

MARTIN COUNTY CIRCUIT COURT ADMINISTRATIVE RULES

LR51-AR00-1000 COURT HOURS AND LOCATION

1000.10 The Martin County Circuit Court shall be in session from 8:00 a.m. until 4:00 p.m., Monday through Friday, legal holidays excluded, and during such other hours as the Court may direct or otherwise post from time to time.

1000.20 The Martin County Circuit Court is located in the lower level of the Martin County Courthouse, 129 Main Street, Shoals, Martin County, Indiana 47581. The Martin County Circuit Court's mailing address is PO Box 370, Shoals, Indiana 47581, and the telephone number is (812) 247-3652.

LR51-AR00-1100 CLOSING OF THE MARTIN COUNTY CIRCUIT COURT

1100.10 When weather conditions or other emergencies arise, the Martin County Circuit Court may be forced to can scheduled proceedings. However, any closing of the Martin County Circuit Court shall be made only by the Judge of the Martin Circuit Court after consultation with the Sheriff of Martin County. No one other than the Judge of the Martin Circuit Court shall have the authority to close the Court.

1100.20 The Court shall make a reasonable effort to contact litigants scheduled to appear for court proceedings if the Chronological Case Summary includes the addresses and telephone numbers of the attorneys or pro se litigants. The Court shall not be responsible for contacting attorneys and pro se litigants if the Chronological Case Summary does not include in a current address where notices and orders are to be sent and a current telephone number where the attorney or pro se litigant can be reached during normal business hours.

LR51-AR12-1200 FACSIMILE TRANSMISSIONS

1200.10 The Martin Circuit Court shall accept pleadings, motions and other papers by electronic facsimile transmission for filing in a pending case pending only as set forth below:

- a. The transmission must be accompanied by a cover sheet meeting the requirements of Rule 12(D) of the Indiana Administrative Rules.
- b. The transmission must include the CCS entry form and proposed orders as required by the Martin County Circuit Court Rules of Civil Procedure.

c. The sending party must file a motion requesting permission to file by facsimile transmission, and proposed order granting the motion to file. The motion must state specifically why the Court should allow the sending party to file the accompanying document by facsimile transmission rather than by other means, e.g., the accompanying document includes a request for emergency relief.

d. The transmission may not exceed ten (10) pages in length including the cover sheet, proposed CCS entry, motion requesting permission to file by facsimile transmission, and proposed order granting the motion to file.

e. The sending party must keep and maintain the transmission log required by Rule 12(B)(3) and (4) of the Indiana Administrative Rules.

1200.20 Electronic facsimile transmissions will be accepted for filing only during the regular business hours as set forth in LR51-AR00-1000. Transmissions received after the close of business shall be filed effective the next regular business day.

1200.30 The Clerk of the Martin Circuit Court shall accept electronic facsimile transmission filings only if received at the facsimile machine assigned by the Clerk.

LR51-AR09-1300 CONFIDENTIALITY OF RECORDS

1300.10 Rule 9(A) of the Indiana Administrative Rules provides that the Judge of the Martin Circuit Court “is administratively responsible for the integrity of the judicial records of the court and must ensure that measures and procedures are employed to protect such records”. Rule 9(B) of the Indiana Administrative Rules provides that the “Clerk is responsible for the maintenance of court records in a manner consistent with the directives of the Supreme Court of Indiana, judge of court, and other pertinent authority.” Consequently, the Clerk of the Martin Circuit Court shall discharge the Clerk’s duties as imposed by the Indiana Administrative Rules and the Indiana Rules of Trial Procedure.

1300.20 To insure that no person inadvertently has access to court records or other protected information in violation of Rule 9 of the Indiana Administrative Rules, which thereby could affect public safety, create a risk of injury to individuals, create a risk of loss of proprietary business information, and undermine the public’s confidence in the integrity of the entities charged with maintaining court records and other protected information, the Court adopts the following provisions:

a. No person shall enter into any place or area where court records or other protected information are kept, maintained, stored, or found unless the person is employed by the Office of the Clerk of the Court, and has taken an oath to perform and discharge the duties of the

position, is employed by the Martin Circuit Court, or is employed by the Martin County Probation Department.

b. A person may enter into an office or area on a temporary basis for the purpose of performing work necessary to enable the Court, the Clerk of the Court, or the Martin County Probation Department to discharge its or their functions if the person is accompanied by an employee from the office, and the employee monitors the person's activities at all times to insure that the person does not have access to court records or other protected information. Examples of situations when a person would be allowed to enter into an office or area would include the need for a repairman to work upon a copy machine or computer, a maintenance person to replace a light bulb, or a deputy sheriff to take possession of paperwork for service of process. A person who is a business professional conducting a records search may be allowed to enter an area to take possession of or return a judgment book, fee book, or similar record, so long as the book does not contain any information otherwise deemed confidential pursuant to Rule 9 of the Indiana Administrative Rules.

c. Under no circumstances should a member of the public, an attorney, or a family member be allowed to enter into any place where court records or other protected information are kept, maintained, stored, or found unless (a) the person is employed by the Office of the Clerk of the Court, and has taken an oath to perform and discharge the duties of the position, (b) is employed by the Martin Circuit Court, or (c) is employed by the Martin County Probation Department. An attorney may not enter the Office of the Clerk of the Court to file documents, to check the status of a case, or to perform any other court-related business.

d. Without limitation upon the foregoing, the following areas and places are specifically places affected and governed by this Order: the Office of the Clerk of the Court and all individual offices, spaces, and areas therein; the Office of the Martin Circuit Court and all individual offices, spaces, and areas therein; the Martin County Probation Department and all individual offices, spaces, and areas therein; and the vault located on the lower level of the Martin County Courthouse.

e. The Clerk of the Court also shall insure that all employees and staff members of the Office of the Clerk of the Court understand and comply fully with Rule 9 of the Indiana Administrative Rules

1300.30 As provided by Rule 9(C) of the Indiana Administrative Rules, and pursuant to the Court's inherent authority to oversee and supervise all court-related functions of the Clerk of the Court, any person who violates these local rules may be subject to a citation for contempt of court and, under certain circumstances, may be referred for criminal prosecution pursuant to section 35-43-1-2(a) of the Indiana Criminal Law Code. Specifically, and without limitation, any employee or staff member of the Office of the Clerk of the Court, the Martin Circuit Court, and the Martin County Probation Department who allows any person into the spaces and areas affected by these local rules may be punished hereunder. A person who is cited for contempt of court may be incarcerated for a period of time and may be ordered to pay a fine, plus additional costs.

1300.40 As is necessary for the Court to discharge its functions, the Court may waive enforcement of these local rules in the following areas: the Office of the Martin Circuit Court and all individual offices, spaces, and areas therein; the Martin County Probation Department and all individual offices, spaces, and areas therein. However, no person other than the Judge of the Martin Circuit Court may waive enforcement of these local rules or allow or authorize any person to take action in violation of these local rules.

LR51-AR00-1400 PROTECTIVE ORDERS, RESTRAINING ORDERS, ORDERS OF PROTECTION, AND ANY OTHER REQUEST FOR EMERGENCY OR IMMEDIATE RELIEF

1400.10 The Clerk of the Martin Circuit Court immediately shall forward to the Martin Circuit Court any petition or request for a protective order, restraining order, order of protection, or similar request for emergency or immediate relief. The Clerk shall not allow any request for such relief to remain unprocessed or unaddressed for any reason.

1400.20 The Clerk of the Martin Circuit Court immediately shall forward to the Sheriff of Martin County and to all other affected law enforcement agencies and interested persons and entities a copy of any order of protection, restraining order, or similar order granting a request for emergency or immediate relief, and the Clerk of the Court shall request immediate service of such order upon the person or person to be restrained, enjoined, or otherwise affected by the order. The Clerk shall not allow any such order to remain unprocessed or unaddressed for any reason.

1400.30 Failure to comply fully with these local rules, and all other applicable laws, rules, and orders of this Court, may subject the Clerk of the Court and any deputy clerk who was charged with the responsibility of discharging the Court's business to a citation for contempt of court. A person who is cited for contempt of court may be incarcerated for a period of time and may be ordered to pay a fine, plus additional costs.

LR51-AR00-1500 FEES FOR THE MARTIN CIRCUIT COURT FAMILY COURT PROJECT

1500.10 Effective June 1, 2006, pursuant to IC 33-23-6-1, and in addition to any other fees that must be collected by law, the Clerk of the Martin Circuit Court will be required to collect a Twenty Dollar (\$20.00) fee from each “party who files a petition for legal separation, paternity, or dissolution of marriage under IC 31 as an alternative dispute resolution fee”. The additional Twenty Dollar (\$20.00) fee shall be maintained in a separate “Alternative Dispute Resolution Fund” by the Auditor of Martin County, which does not revert, and it shall not be commingled with any other fund or monies.

LR51-AR00-1600 DUPLICATION FEES

1600.10 To comply with IC 5-14-3-8, the Martin Circuit Court has established the following fees for duplication of audio and video media when permitted by the Court:

Audio Tape \$ 50.00/each
Video Tape \$ 50.00/each
CD. \$ 50.00/each

1600.20 A person who wants to purchase duplicate audio or video media when permitted by the Court shall make a written request to make the purchase, therein identifying the specific media desired. If duplication is permitted, the duplication fee will be required to be paid in full in advance. Typically, duplication of media will take about thirty (30) days.

LR51-AR00-1700 POSSESSION OF DEADLY WEAPONS PROHIBITED IN THE MARTIN COUNTY COURTHOUSE

1700.10 No person shall possess a deadly weapon in the Martin County Courthouse, in the Courtroom of the Martin Circuit Court, in or near the offices of the Martin Circuit Court, or in hallways or any other area near or adjacent to the Martin Circuit Court.

1700.20 “Deadly weapon” is defined as follows:

- a. A loaded or unloaded firearm; and
- b. A weapon, knife, device, taser (as defined in IC 35-47-8-3) or electronic stun weapon (as defined in IC 35-47-8-1), equipment, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.

1700.30 The Sheriff of Martin County may establish any and all necessary procedures needed to carry out this rule.

1700.40 The Sheriff of Martin County Sheriff, law enforcement officers, security personnel, and/or bailiffs shall search and seize all deadly weapons in violation of this rule. Without limitation upon the foregoing, law enforcement officers, security officers, and/or bailiffs may search any person, and all coats, purses, briefcases, bags, packages, or other personal property by physical, manual, and/or visual inspection or search by magnetometer. Prohibited items shall be seized and shall be held by the Sheriff's Department until further Order of the Court.

1700.50 The Martin County Sheriff and/or law enforcement officers may detain persons which they have reason to believe possess such deadly weapons in violation of this rule long enough to obtain proper name, address, date of birth and social security number and/or to seize such deadly weapon.

1700.60 Any person who possesses a deadly weapon in violation of this rule shall be immediately brought before the Court for a direct contempt hearing. A person in violation of this rule may be subject to a citation for contempt of court, the penalties for which may include incarceration for up to 180 days and the payment of fines and costs.

1700.70 This rule does not apply to law enforcement officers under IC 35-41-1-17, including prosecuting attorneys, Indiana Department of Correction Officers, Community Corrections officers, judicial officers, probation officers, and Courthouse employees who carry chemical spray devices for personal protection.

**LR51-AR00-1800 POSSESSION OF CERTAIN ELECTRONIC DEVICES
PROHIBITED IN THE COURTROOM OF THE MARTIN
CIRCUIT COURT**

1800.10 No person shall possess a cellular telephone, a two-way radio, a camera, or an audio and/or a video recording device of any type in the Courtroom of the Martin County Circuit Court or in the Jury Room of the Martin Circuit Court.

1800.20 The Sheriff of Martin County may establish any and all necessary procedures needed to carry out this rule.

1800.30 The Sheriff of Martin County Sheriff, law enforcement officers, security personnel, and/or bailiffs shall search and seize all prohibited items in violation of this rule. Without limitation upon the foregoing, law enforcement officers, security officers, and/or bailiffs may search any person, and all coats, purses, briefcases, bags, packages, or other personal property by physical, manual, and/or visual inspection or search by magnetometer. Prohibited items shall be seized and shall be held by the Sheriff's Department until further Order of the Court.

1800.40 Any person who possesses a prohibited item in violation of this rule shall be immediately brought before the Court for a Direct Contempt Hearing. A person in violation of this rule may be subject to a citation for contempt of court, the penalties for which may include incarceration for up to 180 days and the payment of fines and costs.

1800.50 Under Indiana law, the Court may have the ability to modify, or make an exception to, this rule to allow members of the media, educators, and/or law enforcement officials to possess and/or use a camera, recording device and/or electronic communication device in the Courtroom of the Martin Circuit Court. However, no person should presume that an exception exists without first requesting permission from the Court to possess the prohibited device and to use the device as specifically permitted by the Court.

LR51-AR15-1900 COURT REPORTERS AND PROCEDURES

1900.10 An Official Court Reporter serving the Martin Circuit Court has not only the duties assigned by the Court, but also certain statutory duties. The purpose of this rule is to establish personnel policies relating a Court Reporter's special duties.

1900.15 The following definitions shall be utilized:

a. "Additional documents" means the documents required by Indiana Rules of Appellate Procedure 28(A) and 29 which are not actually a portion of the text of court proceedings, including, but not limited to, the Title Page, Covers, and Table(s) of Contents.

b. "Certified" means the process, required by the Indiana Rule of Appellate Procedure 28(B) (or Indiana Rule of Appellate Procedure 7.2, prior to its repeal) by which the Court Reporter states and/or affirms that the Transcript is correct.

c. "County" means Martin County, Indiana.

d. "County Indigent Transcript" means a Transcript that is paid for from County funds and is for the use on behalf of a litigant who has been declared indigent by a Judge or a Special Judge.

e. "Court" means the Martin Circuit Court, to wit., the court for which the Court Reporter performs services.

f. "Court Reporter" is a person who is specifically designated by the Court to perform the official court reporting services for the Court, including preparing a Transcript of the record.

g. “Equipment” means all physical items owned by the Court or other governmental entity and used by a Court Reporter in performing Court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.

h. “Emergency” means a circumstance or situation which creates a need for a Transcript to be prepared in less time than is allowed under the Indiana Rules of Appellate Procedure. Emergency does not include those circumstances which result in Insufficient Notice or Short Notice.

i. “Gap Hours Worked” means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.

j. “Insufficient Notice” means a request for Transcript preparation which does not contain sufficient information and which causes delay in either: 1) the estimations of time for and cost of Transcript preparation; or 2) the preparation of the Transcript. Failure to make satisfactory payment arrangements pursuant to Indiana Rule of Appellate Procedure 9(H) may also constitute Insufficient Notice.

k. “Judge” means the regular and presiding Judge of the Martin County Circuit Court.

l. “Overtime Hours” means those hours worked in excess of forty (40) hours per work week.

m. “Page” means the page unit of a Transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 28 (or, Indiana Of Appellate Procedure 7.2, prior to its repeal). Page shall also mean the page unit of the Additional Documents produced by the Court Reporter, in accordance with Indiana Appellate Rules 28 and 29.

n. “Private Practice” means the recording of a deposition and/or preparation of a deposition Transcript, which is unrelated to court proceedings.

o. “Private Transcript” means a Transcript, including but not limited to a deposition Transcript, that is paid for by a private party.

p. “Recording” means the electronic, mechanical, stenographic, or other recording made as required by Indiana Rule of Trial Procedure 74.

q. “Regular Work Hours” means those hours which the Martin Circuit Court is regularly scheduled to work during any given work week. Court Reporters of the Martin Circuit Court are required to work thirty-seven and one-half (37 ½) hours per week.

r. “Short Notice” means a request for Transcript preparation which is made less than seven days from the date which the Transcript is needed, e.g., a witness’ testimony during jury trial to be used in closing arguments.

s. “State Indigent Transcript” means a Transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a Court.

t. “Transcript” means the text of a court proceeding which is produced in written form pursuant to Indiana Rules of Appellate Procedure 11 and 28 (or Indiana Rules of Appellate Procedure 7.1 or 7.2, prior to their repeal).

u. “Work Space” means that portion of the Court’s facilities dedicated to each Court Reporter, including but not limited to actual space in the Courtroom and any designated office space.

v. “Work Week” means a 7 consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

1900.20 A Court Reporter shall be permitted to type transcripts of official court proceedings during county-compensated hours. Equipment and supplies shall be used for the recording and/or preparation of such transcripts. If the recording or preparation of such transcripts requires overtime, the Court Reporter will be either paid overtime or given compensatory time.

1900.25 A Court Reporter shall be paid an annual salary for time spent working under the control, direction, and direct supervision of the Court during all regular work hours, gap hours, or overtime hours.

1900.30 The amount of the annual salary of each Court Reporter shall be set by the Judge subject to the approval of the Martin County Council.

1900.35 The annual salary paid to the Court Reporter shall be for a fixed scheduled thirty-seven and one-half (37 ½) hours per week.

1900.40 The Court Reporter shall, if requested or ordered, prepare any transcript during regular working hours.

1900.45 In the event that preparing a transcript could not be completed during regular working hours, a Court Reporter shall be entitled to additional compensation beyond regular salary under the two options set forth below. The Judge and each Court Reporter may freely negotiate between themselves as to which of the two options may be utilized, and the Judge and the Court Reporter shall enter into a written agreement designating the terms of such agreement.

a. Gap Hours shall be paid in the amount equal to the hourly rate of the annual salary; and Overtime Hours shall be paid in the amount of one and one-half (1 ½) times the hourly rate of the annual salary; or

b. Compensatory time off from regular work hours shall be given in the amount equal to the number of gap hours worked; and compensatory time off from regular work hours shall be given in the amount of one and one-half (1 ½) times the number of overtime hours worked.

1900.50 Unless otherwise noted in this rule, or otherwise provided by specific, written order of the Judge, the per-page fee for the preparation of a Certified Transcript is \$4.25, including both County Indigent Transcripts and State Indigent Transcripts. A Court Reporter shall submit directly to the county a claim for preparation of county indigent transcripts.

1900.51 At the Judge's discretion, a per page fee exceeding \$4.25, but not more than \$5.50, may be charged for the preparation of a Transcript in cases of Emergency, Insufficient Notice, or Short Notice.

1900.52 The minimum fee of \$45.00 shall be charged for any Transcript which is less than ten (10) pages.

1900.53 The per page fee a Court Reporter may charge for an Uncertified copy of a previously prepared Transcript shall be \$1.00.

1900.54 Preparation of the Additional Documents required by Indiana Rules of Appellate Procedure 28(A) and 29 shall be compensated at the standard per page fee of \$4.25.

1900.55 A Court Reporter, at the request of another Official Court Reporter, may agree to prepare a Transcript of court proceedings from another Court.

Such preparation shall not be done during county-compensated hours, but county equipment and supplies may be used with the prior approval of the Judge.

1900.60 In addition, a Court Reporter may do private recording or preparation of depositions. However, a Court Reporter shall not do any recording or preparation of private depositions during county-compensated hours, and county equipment and supplies shall not be used for recording depositions or preparation of depositions Transcripts.

1900.65 A Court Reporter may charge a maximum of \$5.00 per page for a Private Transcript, including either a hearing transcript or deposition transcript.

1900.67 Pursuant to Indiana Rule of Appellate Procedure 9(H), the party requesting a Transcript shall make satisfactory payment arrangements with the Court Reporter, prior to the commencement of the Transcript preparation.

1900.68 A deposit of at least one-half (1/2) of the estimated cost of the completed Transcript will be required by the Court Reporter before beginning any Transcript, and the Court Reporter may require a deposit of one hundred percent (100%) of the estimated cost.

1900.70 The Court Reporter shall report on an annual basis to the Indiana Supreme Court, Division of State Court Administration all fees received by the Court Reporter in connection with the preparation of Transcripts.

1900.75 Modification of this policy may be made to meet the security, scheduling, or other unique needs of a particular case. Any modification shall be by written order of the Court. An individual requesting modification of this policy shall provide the Court a written detailed factual statement establishing the specific need for a modification.

LR51-AR15-2000 AUDIO/VIDEO TELECOMMUNICATION IN CRIMINAL, JUVENILE, MENTAL HEALTH, AND CIVIL PROCEEDINGS

2000.10 The Martin Circuit Court shall utilize audio/video telecommunication in criminal, juvenile, mental health, and civil proceedings as provided by Administrative Rule 14 of the Indiana Administrative Rules when the Court determines that use of audio/video telecommunication is in the best interests of the parties and is consistent with the efficient and responsible administration of justice.

2000.20 The Martin Circuit Court shall utilize audio/video telecommunication only in those proceedings specifically identified in Administrative Rule 14(A) and under the conditions provided in Administrative Rule 14(B).

2000.30 Notwithstanding these local rules and Administrative Rule 14, a person shall have the right to request the Court to conduct proceedings in open court rather than to participate in proceedings utilizing audio/video telecommunication. If the person makes a timely request to appear in open court, the Court shall make every effort to grant the request if the Court can do so consistent with the person's right to a speedy or timely hearing, and the Sheriff of Martin County has personnel available to transport the person for the appearance.

LR51-AR15-2100 COURT FILES

2100.10 No court file or any part thereof may be removed from the custody of the Clerk of the Court by any person, including any attorney, unless specifically authorized by the Judge of the Martin Circuit Court and then only upon such terms and conditions as may be provided by an order authorizing the arrangement. In the event that the Judge grants permission for any permission to take possession of a file, the person shall execute a written acknowledgment that the person has such file in the person's personal possession.

2100.20 Failure to comply fully with these local rules, and all other applicable laws, rules, and orders of this Court, may subject a person to a citation for contempt of court. A person who is cited for contempt of court may be incarcerated for a period of time and may be ordered to pay a fine, plus additional costs.

LR51-AR1-2200 PREPARATION OF STATISTICAL REPORTS

2200.10 As provided by Trial 77(H) of the Indiana Rules of Trial Procedure and Indiana Supreme Court Administrative Rule 1(B), the Clerk of the Martin Circuit Court shall maintain all case files and all case records and shall make Chronological Case Summary entries in a manner that the Clerk of the Court and the Judge of the Martin Circuit Court can "determine a statistical count of all actions filed, decided, and reinstated as required by the division of state court administration".

2200.20 No later than April 3, July 3, October 3, and January 3, the Clerk of the Court shall gather and provide to the Judge of the Martin Circuit Court all statistical information and data in the Clerk of the Court's possession that is required for the Judge of the Martin Circuit Court to prepare and file the quarterly case status report for the quarter ending March 31, June 30, September 30, and December 31, respectively. Without limitation upon the foregoing, the Clerk of the Court shall provide all statistical information and data as contemplated by Indiana Supreme Court Administrative Rule 1.

2200.30 As required by Indiana Supreme Court Administrative Rule 2, no later than January 10, the Clerk of the Court shall gather and provide to the Judge of the Martin Circuit Court all financial information that must be reported to the Indiana Supreme Court, Division of State Court Administration for the prior year.

MARTIN COUNTY CIRCUIT COURT RULES OF CIVIL PROCEDURE

LR51-TR00-1000 DEFINITIONS

1000.10 Unless specifically stated or defined otherwise, “Court”, “Martin Circuit Court”, or “Martin County Circuit Court” shall mean the State of Indiana, County of Martin, Ninetieth Judicial Circuit, which is the Martin County Circuit Court. Any action taken by the regular and presiding Judge of the Martin County Circuit Court, a Special Judge selected or appointed to preside over a case pending in the Martin County Circuit Court, a Senior Judge appointed to preside over a case pending in the Martin County Circuit Court, or a Judge Pro Tempore appointed to preside over a case pending in the Martin County Circuit Court shall be deemed to be the act of the “Court”.

1000.20 Unless specifically stated or defined otherwise, “Clerk” or “Clerk of the Court” shall mean the Clerk of the Martin County Circuit Court.

LR51-TR03-1100 PLEADINGS OR OTHER DOCUMENTS THAT INITIATE OR COMMENCE A CASE

1100.10 Trial Rule 77(H) of the Indiana Rules of Procedure provides as follows: “All pleadings and papers shall be filed in accordance with Trial Rule 5 with the clerk of the circuit court.” Therefore, as contemplated by with Trial Rule 5 and Trial Rule 77 of the Indiana Rules of Trial Procedure, all pleadings and other documents that commence or initiate a case shall be filed with the Clerk of the Court.

1100.20 The Office of the Judge of the Martin Circuit Court shall not accept a pleading or other document that commences or initiates a case for filing unless exigent circumstances exist. In the absence of exigent circumstances, any document delivered to the Office of the Judge of the Martin Circuit Court for filing will be treated, at the discretion of the Court, as follows: (a) it will be forwarded to the Office of the Clerk of the Martin Circuit Court for processing; (b) it will be returned to the person who tendered the pleading or other document to the Court; or (c) it will be discarded.

1100.30 A person who believes that exigent circumstances exist and that a pleading or other document commences or initiates a case must be filed directly in the Office of the Judge of the Martin Circuit Court must file a separate document, in the form of a verified or affirmed motion or petition, that specifically sets forth in detail why the person believes that direct filing of the document is in the best interests of the moving party, how it will serve the ends of justice, how it will not negatively impact the responding party, and how it will not create the appearance of impropriety.

1100.40 Any delay or penalty associated with failure to file a pleading or other document that commences or initiates a case with the Clerk of the Martin Circuit Court is assumed by the party who failed to comply with these local rules and/or Trial Rule 5 and Trial Rule 77 of the Indiana Rules of Trial Procedure.

**LR51-TR03-1150 PAYMENT OF FEES REQUIRED TO INITIATE OR
COMMENCE A CASE**

1150.10 Any filing fee, court costs, service of process fee, or any other fee or expense required by statute or rule must be paid to the Clerk of the Martin Circuit Court, in the form required by the Clerk of the Martin Circuit Court, before a pleading or other document that commences or initiates a case will be accepted for filing, unless the document is accompanied by an Order signed by the Judge of the Martin Circuit Court that specifically waives the filing fee, court costs, service of process fee, or any other fee or expense required by statute or rule.

1150.20 A person who believes that the person is entitled to receive from the Court an Order that specifically waives the payment of a filing fee, court costs, service of process fee, or any other fee or expense otherwise required by statute or rule before a pleading or other document that commences or initiates a case will be accepted for filing must file a timely written request or petition asking the Court to enter such an Order. Any written request or petition for such relief must include specific and detailed financial information establishing that the person is entitled to such relief, or the Court may deny the requested relief summarily. Upon request, the Clerk of the Martin Circuit Court will provide a person with a verified financial statement that the person must complete and attach to the written request or petition to establish that the person is entitled to the relief requested in the written request or petition. Typically, a person should anticipate that the Court may take up to five (5) business days to consider whether to grant the relief requested in such a written request or petition.

1150.30 Any delay or penalty associated with the failure to pay the filing fee, court costs, service of process fee, or any other fee or expense required by statute or rule in a timely manner, and any delay or penalty associated with the failure to file a written request or petition asking the Court to waive the payment of the filing fee, court costs, service of process fee, or any other fee or expense required by statute or rule in a timely manner, is assumed by the party who failed to comply with Trial Rule 5 and Trial Rule 77 of the Indiana Rules of Trial Procedure.

LR51-TR03-1200 APPEARANCES

1200.10 All attorneys and pro se litigants shall file appearances complying with Trial Rule 3.1 of the Indiana Rules of Trial Procedure and Criminal Rule 2.1 of the Indiana Rules of Criminal Procedure.

1200.20 Without limitation upon the foregoing, an appearance must be filed by every person, including every attorney and every pro se litigant, in every type of case commenced or initiated in the Martin Circuit Court, including, without limitation, civil cases, criminal cases, small claims cases, domestic relations cases, and probate cases. A pleading, or other document that commences or initiates a case, that is not accompanied

by an appearance that contains the information required by Trial Rule 3.1 of the Indiana Rules of Trial Procedure and/or Criminal Rule 2.1 of the Indiana Rules of Criminal Procedure, will be treated, at the discretion of the Clerk of the Martin Circuit Court, as follows: (a) the appearance and the pleading, or similar document that commences or initiates the case, will be returned to the person who tendered the documents; (b) the appearance and the pleading, or similar document that commences or initiates the case, will be designated as “received”, rather than “filed”, and it will be placed into a flat file for a period not to exceed thirty (30) days to await receipt of conforming documents; or (c) the appearance and the pleading, or similar document that commences or initiates the case, will be discarded. The Clerk of the Martin Circuit Court shall not be required to notify anyone that the person has failed to comply with these local rules, Trial Rule 3.1 of the Indiana Rules of Trial Procedure, and/or Criminal Rule 2.1 of the Indiana Rules of Criminal Procedure.

1200.30 Without limitation upon the foregoing, any responding party or other person who first appears in a case shall file an appearance form as required by Trial Rule 3.1(B) of the Indiana Rules of Trial Procedure and/or Criminal Rule 2.1 of the Indiana Rules of Criminal Procedure. A responding party or other person who files a document that is not accompanied by an appearance that contains the information required by Trial Rule 3.1(B) of the Indiana Rules of Trial Procedure and/or Criminal Rule 2.1 of the Indiana Rules of Criminal Procedure will be treated, at the discretion of the Court or the Clerk of the Martin Circuit Court, as follows: (a) the appearance and the accompanying document will be returned to the responding party or other person who tendered the documents; or (b) the appearance and the accompanying document will be designated as “received”, rather than “filed”, and it will be placed into a flat file for a period not to exceed thirty (30) days to await receipt of conforming documents; or (c) the appearance and the accompanying document will be discarded. The Clerk of the Martin Circuit Court shall not be required to notify anyone that the person has failed to comply with these local rules, Trial Rule 3.1 of the Indiana Rules of Trial Procedure, and/or Criminal Rule 2.1 of the Indiana Rules of Criminal Procedure.

1200.40 In the event that information is not available that is otherwise required by Trial Rule 3.1 of the Indiana Rules of Trial Procedure, then the person filing the appearance shall file a notice with the Clerk of the Martin Circuit Court specifically stating that the person is filing the appearance in the absence of the missing information, and then the person shall file an amended appearance as contemplated by Trial Rule 3.1(B)(E) of the Indiana Rules of Trial Procedure. A person who does not comply with this rule may be sanctioned, and the sanctions may include, without limitation, the striking of the document that accompanied the appearance.

1200.50 An appearance by one attorney who is a partner in or an associate of a law firm shall be deemed to be an appearance for and upon behalf of each member of the law firm unless the appearance specifically limits the appearance to the individual partner or individual associate who files the appearance.

1200.60 An attorney who wants to withdraw his or her appearance in any case shall file a written motion or petition requesting permission from the Court for the attorney to withdraw the attorney's appearance for and upon behalf of the attorney's client. The written motion or petition (a) shall state the date upon which the attorney desires the date the appearance to be withdrawn, (b) shall include satisfactory evidence that the attorney informed the attorney's client, at least ten (10) days prior to filing the written motion or petition, that the attorney intended to file the written motion or petition, or, in the alternative, that the attorney made a good-faith, albeit unsuccessful, attempt to provide such notice to the attorney's client, (c) shall include satisfactory evidence that the attorney informed the attorney's client, at least ten (10) days prior to filing the written motion or petition, that failure of the client to retain substitute counsel in a timely manner following withdrawal of the attorney's appearance could result in dismissal of the client's case or entry of a default judgment against the client, depending upon the nature of the case, and (d) shall include satisfactory evidence that the attorney informed the attorney's client, at least ten (10) days prior to filing the written motion or petition, of all pending deadlines and/or hearing dates, as well as other pertinent information necessary to place the client upon notice of the need to take appropriate action in a timely manner and/or to appear at scheduled proceedings. Without limitation upon the foregoing, any written motion or petition, and the basis underlying the attorney's decision to file the written motion or petition, must comply with the Indiana Rules of Professional Conduct.

1200.70 In a criminal case, the Court is unlikely to grant an attorney's written motion or petition to withdraw an appearance for and upon behalf of a client unless the Court first conducts a hearing in open court in the presence of the attorney's client, and decides that withdrawal of the appearance is consistent with the best interests of the attorney's client, the Court, and the Indiana Rules of Professional Conduct. However, the Court is likely to excuse compliance with the foregoing provision if the attorney's written motion or petition recites that the attorney has been unable to locate and/or communicate with the attorney's client and the attorney has reason to believe that the attorney's client may have left the jurisdiction. Under such circumstances, the Court may find that the attorney's client is in violation of the Court's bail orders and may issue a bench warrant for the arrest of the attorney's client without further proceedings. Without limitation upon the foregoing, any written motion or petition, and the basis underlying the attorney's decision to file the written motion or petition, must comply with IC 35-36-8-2 and the Indiana Rules of Professional Conduct.

1200.80 An attorney who files a written motion or petition requesting permission from the Court for the attorney to withdraw the attorney's appearance for and upon behalf of the attorney's client shall tender to the Court a proposed order granting the requested relief. The proposed order shall include, among other things, the following statements: (a) a statement that failure of the client to retain substitute counsel in a timely manner following withdrawal of the attorney's appearance could result in dismissal of the client's case or entry of a default judgment against the client, depending upon the nature of the case; (b) a recitation of all pending deadlines and/or hearing dates, as well as other

pertinent information necessary to place the client upon notice of the need to take appropriate action in a timely manner and/or to appear at scheduled proceedings.

1200.90 Notwithstanding the other provisions of these local rules, an attorney is not required to file a written motion or petition to withdraw an appearance for and upon behalf of a client if the attorney's client has retained another attorney to represent the client in the case. Under these circumstances, the attorney who seeks to withdraw his or her appearance may file a written notice of withdrawal of appearance and recite therein that the attorney's client has retained substitute counsel. The written notice shall state the name of substitute counsel, and the approximate date when the client informed the attorney that the attorney's services were no longer needed. The written notice shall be served upon the attorney's client and upon substitute counsel as well as upon opposing counsel and any unrepresented party as otherwise required by the Indiana Rules of Procedure.

1200.100 Notwithstanding the other provisions of these local rules, an attorney is not required to file a written motion or petition to withdraw an appearance for and upon behalf of a client if the written motion to withdraw an appearance accompanied by a written consent executed by the attorney's client. A written consent executed by the attorney's client must include, among other things, an acknowledgement by the client that the client's failure to retain substitute counsel in a timely manner following withdrawal of the attorney's appearance could result in dismissal of the client's case or entry of a default judgment against the client, depending upon the nature of the case.

1200.110 Any delay or penalty associated with failure to file an appearance in the proper form or to otherwise comply with these local rules is assumed by the party or person who failed to comply with these local rules or Trial Rule 3.1 of the Indiana Rules of Trial Procedure.

LR51-TR04-1300 PROCESS

1300.10 Any document that commences or initiates a case, such as a complaint or a petition for dissolution of marriage, shall be accompanied by a praecipe as contemplated by Trial Rule 4 of the Indiana Rules of Trial Procedure when filed with the Clerk of the Court. The praecipe may be included in the summons or may be attached to the summons as contemplated by Trial Rule 4(B) of the Indiana Rules of Trial Procedure.

1300.20 The summons shall contain the information required by Trial Rule 4(C) of the Indiana Rules of Trial Procedure. If the person requesting service submits a summons that does not comply with Trial Rule 4(C) of the Indiana Rules of Trial Procedure, then the pleading and summons shall be treated, at the discretion of the Court or the Clerk of the Martin Circuit Court, as follows: (a) the document that commences or initiates a case and the summons will be returned to the person who tendered the documents; (b) the document that commences or initiates a case and the summons will be designated as "received", rather than "filed", and it will be placed into a flat file for a period not to exceed thirty (30) days to await receipt of conforming documents; or (c) the

document that commences or initiates a case and the summons will be discarded. The Clerk of the Martin Circuit Court shall not be required to notify anyone that the person has failed to comply with these local rules and/or Trial Rule 3.1 of the Indiana Rules of Trial Procedure.

1300.30 The person who submits the summons with the document that commences or initiates a case shall designate the manner of service as required by Trial Rule 4(D) of the Indiana Rules of Trial Procedure. If the person requesting service submits a summons that does not comply with Trial Rule 4(D) of the Indiana Rules of Trial Procedure, then the document and summons shall be treated, at the discretion of the Court or the Clerk of the Martin Circuit Court, as follows: (a) the document that commences or initiates a case and the summons will be returned to the person who tendered the documents; (b) the document that commences or initiates a case and summons will be designated as “received”, rather than “filed”, and it will be placed into a flat file for a period not to exceed thirty (30) days to await receipt of conforming documents; or (c) the document that commences or initiates a case and the summons will be discarded. The Clerk of the Martin Circuit Court shall not be required to notify anyone that the person has failed to comply with these local rules and/or Trial Rule 3.1 of the Indiana Rules of Trial Procedure.

1300.40 If a person designates service of process to be made by certified mail, return receipt requested, then the person requesting service shall provide to the Clerk of the Martin Circuit Court the complete mailing address of the person to be served, including the person’s street address or 911 address and/or post office box, if applicable. If the person requesting service does not provide the Clerk of the Martin Circuit Court with the complete mailing address as required herein, then the person requesting service assumes responsibility for any delay associated with the Clerk’s inability to serve process by mail as designated.

1300.50 If a person designates service of process to be made by sheriff, then the person requesting service shall provide to the Clerk of the Martin Circuit Court the complete physical address and the complete mailing address of the person to be served, including the person’s street address and 911 address and/or post office box, if applicable. The person requesting service further shall provide complete and detailed directions regarding where the person to be served resides, and the person requesting service shall provide any available information regarding when and where the person to be served might be regularly found. If the person requesting service does not provide the Clerk of the Martin Circuit Court with the complete physical address and mailing address of the person to be served and the other information required herein, then the person requesting service assumes responsibility for any delay associated with the sheriff’s inability to serve process as designated.

1300.60 A person requesting service of process by certified mail, return receipt requested, then the person requesting service shall provide completed stamped envelopes, USPS forms, documents, and sufficient postage to enable the Clerk of the Martin Circuit Court to process the pleading and summons for service with little need for

ministerial attention to the documents and to deliver the documents to the United States Post Office in a timely manner and at no cost to the Clerk of the Martin Circuit Court. If the person requesting service does not provide the Clerk of the Martin Circuit Court with the completed stamped envelopes, USPS forms, documents, and sufficient postage required, then the request shall be treated, at the discretion of the Court or the Clerk of the Martin Circuit Court, as follows: (a) the summons and the accompanying documents will be returned to the person who tendered the documents; or (b) the summons and the accompanying documents will be discarded. The Clerk of the Martin Circuit Court shall not be required to notify anyone that the person has failed to comply with these local rules and/or Trial Rule 3.1 of the Indiana Rules of Trial Procedure.

LR51-TR05-1400 SERVICE OF DOCUMENTS

1400.10 Pursuant to Trial Rule 5(A) of the Indiana Rules of Trial Procedure, every document filed in a case shall be served upon each party, and upon a special judge if presiding over the case, unless otherwise provided by the Indiana Rules of Trial Procedure or a specific order of the Martin Circuit Court.

1400.20 Pursuant to Trial Rule 5(B)(1)(d) Indiana Rules of Trial Procedure, the Martin Circuit Court hereby designates the “mailboxes” located in the Office of the Clerk of the Martin Circuit Court for service upon attorneys who have such boxes.

1400.30 Each document filed with the Clerk of the Martin Circuit Court shall include a certificate of service which shall be placed at the end of the document as contemplated by Trial Rule 5(C) of the Indiana Rules of Trial Procedure. The certificate of service shall specifically name the individual party or attorney upon whom service has been made, the address to which the document was mailed or the place to which the document was delivered, the manner in which service was made, and the date when service was made. The following statements, or similar recitations, are not sufficient: “service has been made upon counsel of record or upon each party”; “service was made upon the date of filing”; “service was made upon counsel of record or each unrepresented party at the address set forth in the appearance heretofore filed in this case”.

1400.40 A document that does not comply with Trial Rule 5 of the Indiana Rules of Trial Procedure and/or these local rules shall be treated, at the discretion of the Court or the Clerk of the Martin Circuit Court, as follows: (a) the document will be returned to person who tendered the document; or (b) document will be discarded. Any delay or penalty associated with failure to submit or tender a document in the proper form is assumed by the person who failed to comply with Trial Rule 5 of the Indiana Rules of Trial Procedure and/or these local rules.

LR51-TR05-1500 FILING OF PLEADINGS AND OTHER PAPERS

1500.10 All documents shall be filed with the Clerk of the Martin Circuit Court as contemplated by Trial Rule 5 and Trial Rule 77 of the Indiana Rules of Trial Procedure. The Office of the Judge of the Martin Circuit Court shall not accept

documents for filing unless exigent circumstances exist. In the absence of exigent circumstances, any document delivered to the Office of the Judge of the Martin Circuit Court for filing will be treated, at the discretion of the Court, as follows: (a) it will be forwarded to the Office of the Clerk of the Martin Circuit Court for processing; (b) it will be returned to the person who tendered the pleading or other document to the Court; or (c) it will be discarded.

1500.20 A person who believes that exigent circumstances exist and that a document should be filed directly in the Office of the Judge of the Martin Circuit Court must file a separate document, in the form of a verified motion or petition, that specifically sets forth in detail why the person believes that direct filing of the document is in the best interests of the moving party, how it will serve the ends of justice, how it will not negatively impact the responding party, and how it will not create the appearance of impropriety. Any delay or penalty associated with failure to file a document with the Clerk of the Martin Circuit Court is assumed by the party who failed to comply with these local rules and/or Trial Rule 5 and Trial Rule 77 of the Indiana Rules of Trial Procedure.

1500.30 Trial Rule 5(F)(3) of the Indiana Rules of Trial Procedure requires that all filings, including “pleadings, motions, and other papers” that are filed by mail shall be made either by registered mail or by certified mail with return receipt requested. The Clerk of the Martin Circuit Court shall not be responsible for the filing of pleadings, motions, or other papers that are received by mail, unless the documents are filed by registered mail or by certified mail with return receipt requested as contemplated by Trial Rule 5(F)(3). If the documents received by mail are not in proper form, such deficiencies will not be corrected. The Clerk of the Martin Circuit Court is not required to notify any person of a filing deficiency.

1500.40 Filing by facsimile transmission is permitted only as provided by the Martin Circuit Court Administrative Rules.

1500.50 All documents shall contain a verification certifying that the document complies with the filing requirements of Trial Rule 5(G) of the Indiana Rules of Trial Procedure applicable to information excluded from public access under Indiana Administrative Rule 9(G). A certification shall read substantially as follows: “I hereby certify that the foregoing document complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record by Administrative Rule 9(G).” A document that does not comply with Trial Rule 5(G) of the Indiana Rules of Trial Procedure and Administrative Rule 9(G) and/or these local rules shall be treated, at the discretion of the Court or the Clerk of the Martin Circuit Court, as follows: (a) the document will be returned to person who tendered the document; (b) the document will be designated as “received”, rather than “filed”, and it will be placed into a flat file for a period not to exceed thirty (30) days to await receipt of a conforming document; or (c) the document will be discarded. Any delay or penalty associated with failure to submit or tender a document in the proper form is assumed by the person who failed to comply with these local rules, Trial Rule 5(G) of the Indiana Rules of Trial Procedure, and/or Indiana

Administrative Rule 9(G). The Clerk of the Martin Circuit Court shall not be required to notify anyone that the person has failed to comply with these local rules, the Indiana Rules of Trial Procedure, and/or the Indiana Administrative Rules.

LR51-TR06-1600 TIME

1600.10 A party who reasonably needs additional time to file an answer or other responsive pleading shall be automatically allowed an additional thirty (30) days to file the answer or other responsive pleading without leave of the Court if the party complies with the provisions of these local rules.

1600.20 A party who wishes to obtain an automatic thirty-day enlargement or extension to file an answer or other responsive pleading (a) must file a written notice to the Court of the party's intention to exercise the automatic thirty-day enlargement or extension of time, (b) must file the written notice at least five (5) days before the original date when the answer or other responsive pleading was due in a manner consistent with Trial Rule 5 of the Indiana Rules of Trial Procedure and these local rules, and (c) must serve the written notice upon all person as required by the Indiana Rules of Trial Procedure and these local rules.

1600.30 The written notice to the Court must specifically recite the original date when the answer or other responsive pleading was due, and it must specifically recite the deadline by which the answer or other responsive pleading must be filed after the party receives the automatic thirty-day enlargement or extension of time pursuant to these local rules.

1600.40 If a party does not specifically comply with these local rules regarding how to obtain an automatic enlargement or extension of time, then the party must rely upon the provisions of Trial Rule 6 of the Indiana Rules of Trial Procedure to seek from the Court additional time to file an answer or other responsive pleading.

1600.50 Nothing in these local rules prohibits any other party from filing a written objection to any other party's written notice electing an automatic enlargement or extension of time under these local rules. The Court will consider the merits of any objection as it would a written objection to a written motion made pursuant to Trial Rule 6 of the Indiana Rules of Trial Procedure.

LR51-TR11-1700 SIGNING AND VERIFICATION OF PLEADINGS AND DOCUMENTS

1700.10 All original documents filed with or submitted to the Clerk of the Martin Circuit Court shall bear the original signature of a party, an attorney, or both a party and an attorney as required by Trial Rule 11 of the Indiana Rules of Trial Procedure and any other applicable rule, statute, or law. Mechanical or stamped signatures upon an original document shall not be accepted.

1700.20 If party is represented by an attorney, then every pleading, motion, petition, or other document filed with or submitted to the Clerk of the Court shall bear the original signature of the attorney representing the party.

1700.30 If a party is represented by an attorney, then every pleading, motion, petition, or other document filed with or submitted to the Clerk of the Court or to the Court shall include the attorney's attorney number a/k/a bar number, the attorney's complete mailing address, the attorney's complete physical address, the attorney's telephone number, the attorney's fax number, and, if available, the attorney's email address.

1700.40 If a party is not represented by an attorney, then every pleading, motion, petition, or other document filed with or submitted to the Clerk of the Court shall include the party's complete mailing address, the party's complete physical address, the party's telephone number or contact number, the party's fax number (if available), and, the party's email address (if available).

1700.50 As provided by Trial Rule 11 of the Indiana Rules of Trial Procedure, the signature of an attorney upon a document constitutes a certificate by the attorney (a) that the attorney has read the pleading or other document filed with or submitted to the Clerk of the Court or the Court, (b) that, to the best of the attorney's knowledge, information, and belief, there is good ground to support the filing or submission of the pleading or other document, and (c) that the pleading or other document is not filed or submitted to cause delay or for any other improper purpose.

1700.60 As provided by Trial Rule 11 of the Indiana Rules of Trial Procedure, if a pleading, motion, or other document filed with or submitted to the Clerk of the Court or to the Court is not signed, or if it is signed with intent to defeat the purpose of these local rules or Trial Rule 11, the document may be stricken as sham and false, and the action may proceed as though the pleading had not been served.

1700.70 As provided by Trial Rule 11 of the Indiana Rules of Trial Procedure, for a willful violation of these local rules or Trial Rule 11, an attorney may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

LR51-TR12-1800 MOTIONS FOR JUDGMENT ON THE PLEADINGS

1800.10 As provided by Trial Rule 12(C) of the Indiana Rules of Trial Procedure, any party may move for judgment on the pleadings after the pleadings are closed, but within such time as not to delay the trial. A motion for judgment on the pleadings shall be accompanied by a memorandum or brief in support of the motion. If the moving party does not present or refer to matters outside the pleadings, thereby making the motion appropriate for treatment and disposition pursuant to Trial Rule 56 of the Indiana Rules of Trial Procedure, then the non-moving party shall have thirty (30) days to respond to the motion for judgment on the pleadings. A response to a motion for judgment on the pleadings shall be in the form of a memorandum or brief, and it shall

include a specific, detailed response to the moving party's motion and the arguments set forth in the moving party's brief or memorandum. The moving party shall have fourteen (14) days to file a reply to any response that is filed. Unless a party files a separate written motion requesting the Court to conduct a hearing in connection with the motion for judgment on the pleadings, the Court shall rule upon the merits of the motion based upon the written record created by the parties. A written motion requesting a hearing must be filed, if at all, no later than ten (10) days after the non-moving is required to file a written response. A written request to schedule and conduct a hearing shall include a specific, detailed statement regarding why the party requesting the hearing believes a hearing is necessary to resolve the merits of the motion.

LR51-TR16-1900 PRETRIAL PROCEDURES FOR JURY TRIALS

1900.10 Pursuant to Trial Rule 16 of the Indiana Rules of Trial Procedure, these local rules shall govern any civil case in which a party has made a demand or request for a jury trial.

1900.20 Not later than ninety (90) days after the initial pleading or complaint is filed, the plaintiff shall file a written motion to schedule an initial pretrial conference pursuant to Trial Rule 16 of the Indiana Rules of Trial Procedure. If practical, the Court encourages the parties to consider requesting the scheduling of a telephonic pretrial conference to expedite scheduling and to lessen the financial burden upon the parties.

1900.30 As contemplated by Trial Rule 16(C) of the Indiana Rules of Trial Procedure, not later than fourteen (14) days before the initial pretrial conference, the parties, or their attorneys, shall confer regarding all issue set forth in Trial Rule 16(A) and Trial Rule 16(C). Without limitation, the parties and counsel shall confer regarding the following:

(a) The parties shall discuss persons who may be called as witnesses in the case. The parties shall exchange preliminary witness lists seven (7) days before the pretrial conference. The lists shall contain the names of all persons known to have knowledge of the facts supporting the pleadings. Thereafter, the parties shall be under a continuing obligation to advise opposing parties of other witnesses as they become known. Failure to do so may result in exclusion of the witnesses during subsequent proceedings.

(b) The parties shall discuss exhibits, items, and things that may be introduced into evidence in the case. The parties shall exchange preliminary exhibit lists seven (7) days before the pretrial conference. The lists shall contain all documents, items, and things which are contemplated to be used in support of the pleadings. Any documents, items, and things later shown to have been reasonably available to a party

and not included upon a list may be subject to exclusion during subsequent proceedings.

(c) The parties shall discuss the existence of any and all evidence reasonably available that may obviate the filing of unnecessary discovery motions.

(d) The parties shall agree upon a preliminary discovery schedule, which includes the preliminary service of interrogatories, if any, service of requests for production of documents, if any, the taking of depositions, if any, and any third-party discovery.

(e) The parties shall discuss whether an IME will be necessary as part of the case, and, if so, when the IME will be conducted and under what circumstances. Unless otherwise agreed, an IME, if contemplated, shall be scheduled and completed no later than forty-five (45) days before the final discovery deadline.

(f) The parties shall discuss a final discovery schedule. Unless otherwise agreed, the parties shall exchange and file final witness and exhibit lists and contentions no later than forty-five (45) days before trial. The lists shall be complete, and they shall contain only witnesses who reasonably may be presented at trial and the exhibits that reasonably may be introduced at trial. The contentions shall be detailed and shall set forth statements of fact and law in support of and in defense of all claims and defenses record. The contentions shall be supported by references to depositions and exhibits if appropriate. Furthermore, unless otherwise agreed, all discovery shall be completed, not just served, no later than sixty (60) days before trial. After the discovery deadline, the parties may engage in additional discovery by agreement, but the Court will not enter orders to resolve discovery disputes except for good cause shown.

(g) The parties shall discuss a deadline for the identification and/or disclosure of expert witnesses. Unless otherwise agreed, any expert witness who will be presented at trial, or whose name otherwise must be disclosed as a matter of rule or law, shall be disclosed to opposing counsel no later than ninety (90) days before trial.

(h) The parties shall discuss a deadline for the filing of dispositive motions or any other motion requiring a hearing. Unless otherwise agreed, all dispositive motions or any other motion requiring a hearing shall be filed no later than forty-five days (45) days before the final pretrial conference.

(i) The parties shall discuss the estimated time required for the jury trial and possible dates for the jury trial. Jury trials typically will begin on Wednesdays, at 8:15 a.m.

(j) The parties shall discuss possible dates for a final pretrial conference. The Court typically conducts a final pretrial conference no later than forty-five (45) days before the first day of the scheduled jury trial. At the final pretrial conference, counsel, the named parties, and any other person necessary to compromise or settle a claim, counterclaim, or defense, including, without limitation, corporate representatives and insurance adjustors, shall appear in person. Persons with settlement authority may not participate or appear by telephone, and they must appear in person. The Court typically allows three (3) hours for a final pretrial conference.

(k) The parties shall discuss the reasonable likelihood of mediation or pretrial settlement of the case. Typically, if the case is not settled by the parties and counsel at least sixty (60) days prior to trial, then the parties shall submit this cause for mediation pursuant to and as provided by the Indiana Rules for Alternative Dispute Resolution ("ADR"). Under those circumstances, as provided for and contemplated by ADR Rule 2.4, the parties shall agree upon a mediator. In the event that the parties are unable to agree upon a mediator, then the parties shall file, in a timely manner, a written request for the Court to appoint a list of potential mediators. As provided by ADR Rule 2.6, the parties shall share equally the costs of the mediation, and the parties further shall agree upon the nature and extent of mediation costs. Typically, mediation shall be completed no later than twenty (20) days before trial. Under all circumstances, the parties, counsel of record, and the mediator shall observe the spirit as well as the letter of the Indiana Rules for Alternative Dispute Resolution.

1900.40 Following the initial pretrial conference, counsel shall prepare an agreed case management order that includes all matters discussed by the parties, counsel, and the Court during the pretrial conference, including, without limitation, the matters set forth in these local rules and Trial Rule 16(A) and Trial Rule 16(C) of the Indiana Rules of Trial Procedure.

1900.50 As contemplated by Trial Rule 16(C) of the Indiana Rules of Trial Procedure, not later than fourteen (14) days before the final pretrial conference, the parties, or their attorneys, shall confer regarding all issue set forth in Trial Rule 16(A) and Trial Rule 16(C). Without limitation, the parties and counsel shall confer regarding the following:

(a) The parties shall discuss the final witness lists and final exhibit lists and contentions. The final witness and exhibit lists shall be

complete, and they shall contain only witnesses who reasonably may be presented at trial and the exhibits that reasonably may be introduced at trial. The contentions shall be detailed and shall set forth statements of fact and law in support of and in defense of all claims and defenses record. The contentions shall be supported by references to depositions and exhibits if appropriate.

(b) The parties shall discuss any remaining issues regarding discovery.

(c) The parties shall discuss trial briefs and memoranda. Each party shall file and exchange a trial brief or memorandum at least seven (7) days before the trial. The trial brief or memorandum shall include a full statement or recitation of all evidence expected to be presented and a complete statement and analysis of all applicable legal theories to each claim and defense.

(d) The parties shall discuss the anticipated order of introduction and/or presentation of witness and exhibits. The parties shall agree upon the marking and/or labeling of exhibits. All exhibits must be marked prior to trial. Exhibits must be available in sufficient number at trial so that the sponsoring witness, each juror, opposing counsel, the Judge, and the Court Reporter shall have a copy of the exhibit at the appropriate time.

(e) The parties shall discuss preliminary jury instructions and possible final jury instructions. Without limitation, the parties shall agree upon an issue instruction. Agreements regarding jury instructions shall be reduced to writing and submitted to the Court at the final pretrial conference.

(f) The parties shall discuss any motions in limine that will be presented to the Court for consideration at the final pretrial conference. The parties shall attempt to reach agreements regarding motions in limine.

(g) The parties shall discuss possible stipulations regarding facts. All stipulations shall be reduced to writing and submitted to the Court at the final pretrial conference.

(h) The parties shall discuss the reasonable likelihood of pretrial settlement of the case. The parties and counsel are reminded that, at the final pretrial conference, counsel, the named parties, and any other person necessary to compromise or settle a claim, counterclaim, or defense, including, without limitation, corporate representatives and insurance adjustors, shall appear in person. Persons with settlement authority may not participate or appear by telephone, and they must appear in person.

1900.60 Following the final pretrial conference, counsel shall prepare an agreed final pretrial order that includes all matters discussed by the parties, counsel, and the Court during the pretrial conference, including, without limitation, the matters set forth in these local rules and Trial Rule 16(A) and Trial Rule 16(C) of the Indiana Rules of Trial Procedure.

1900.70 Any case that is settled after the Court issues an Order to Call Petit Jury, but before the first day of trial shall include the settlement a requirement that the parties pay to the County of Martin the sum of \$500.00 to cover the costs associated with the jury trial and resulting from the failure of the parties to settle the case in a timely manner as contemplated by these local rules. Any case that is settled after jury trial begins but before the jury returns a verdict shall include the settlement a requirement that the parties pay to the County of Martin the sum of \$1,250.00 to cover the costs associated with the jury trial and resulting from the failure of the parties to settle the case in a timely manner as contemplated by these local rules. Without limitation upon the foregoing, the Court reserves the right to require the payment of such other costs and fees as the result of the failure of the parties to settle a case in a timely manner.

1900.80 As contemplated by Trial Rule 16(K) of the Indiana Rules of Trial Procedure, a party or an attorney who fails to comply with these local rules or the Indiana Rules of Trial Procedure may be sanctioned.

LR51-TR16-2000 PRETRIAL PROCEDURES FOR BENCH TRIALS

2000.10 Pursuant to Trial Rule 16 of the Indiana Rules of Trial Procedure, these local rules shall govern certain civil cases that will be tried to the Court, rather than to a jury. These local rules apply to the cases that include the following “case classification codes”, as defined by Administrative Rule 8 of the Indiana Rules of Administrative Procedure: CT, CP, PL, CC, MF.

2000.20 Not later than 120 days after the initial pleading or complaint is filed, the plaintiff shall file a written motion to schedule an initial pretrial conference pursuant to Trial Rule 16 of the Indiana Rules of Trial Procedure. If practical, the Court encourages the parties to consider requesting the scheduling a telephonic pretrial conference to expedite scheduling and to lessen the financial burden upon the parties.

2000.30 As contemplated by Trial Rule 16(C) of the Indiana Rules of Trial Procedure, not later than fourteen (14) days before the initial pretrial conference, the parties, or their attorneys, shall confer regarding all issue set forth in Trial Rule 16(A) and Trial Rule 16(C). Without limitation, the parties and counsel shall confer regarding the following:

- (a) The parties shall discuss persons who may be called as witnesses in the case. The parties shall exchange preliminary witness lists seven (7) days before the pretrial conference. The lists shall contain the names of all persons known to have knowledge of the facts

supporting the pleadings. Thereafter, the parties shall be under a continuing obligation to advise opposing parties of other witnesses as they become known. Failure to do so may result in exclusion of the witnesses during subsequent proceedings.

(b) The parties shall discuss exhibits and things that may be introduced into evidence in the case. The parties shall exchange preliminary exhibit lists seven (7) days before the pretrial conference. The lists shall contain all documents, things, and items which are contemplated to be used in support of the pleadings. Any documents, items, or things later shown to have been reasonably available to a party and not included upon a list may be subject to exclusion during subsequent proceedings.

(c) The parties shall discuss the existence of any and all evidence reasonably available that may obviate the filing of unnecessary discovery motions.

(d) The parties shall agree upon a preliminary discovery schedule, which includes the preliminary service of interrogatories, if any, service of requests for production of documents, if any, the taking of depositions, if any, and any third-party discovery.

(e) The parties shall discuss whether an IME will be necessary as part of the case, and, if so, when the IME will be conducted and under what circumstances. Unless otherwise agreed, an IME, if contemplated, shall be scheduled and completed no later than forty-five (45) days before the final discovery deadline.

(f) The parties shall discuss a final discovery schedule. Unless otherwise agreed, the parties shall exchange and file final witness and exhibit lists and contentions no later than forty-five (45) days before trial. The lists shall be complete, and they shall contain only witnesses who reasonably may be presented at trial and the exhibits that reasonably may be introduced at trial. The contentions shall be detailed and shall set forth statements of fact and law in support of and in defense of all claims and defenses record. The contentions shall be supported by references to depositions and exhibits if appropriate. Furthermore, unless otherwise agreed, all discovery shall be completed, not just served, no later than sixty (60) days before trial. After the discovery deadline, the parties may engage in additional discovery by agreement, but the Court will not enter orders to resolve discovery disputes except for good cause shown.

(g) The parties shall discuss a deadline for the identification and/or disclosure of expert witnesses. Unless otherwise agreed, any expert witness who will be presented at trial, or whose name otherwise

must be disclosed as a matter of rule or law, shall be disclosed to opposing counsel no later than ninety (90) days before trial.

(h) The parties shall discuss a deadline for the filing of dispositive motions or any other motion requiring a hearing. Unless otherwise agreed, all dispositive motions or any other motion requiring a hearing shall be filed no later than forty-five days (45) days before the final pretrial conference.

(i) The parties shall discuss the estimated time required for the bench trial and possible dates for the bench trial. Bench trials typically will begin on Wednesday, at 9:00 a.m.

(j) The parties shall discuss possible dates for a final pretrial conference. The Court typically conducts a final pretrial conference no later than forty-five (45) days before the first day of the scheduled bench trial.

(k) The parties shall discuss the reasonable likelihood of mediation or pretrial settlement of the case. Typically, if the case is not settled by the parties and counsel at least sixty (60) days prior to trial, then the parties shall submit this cause for mediation pursuant to and as provided by the Indiana Rules for Alternative Dispute Resolution ("ADR"). Under those circumstances, as provided for and contemplated by ADR Rule 2.4, the parties shall agree upon a mediator. In the event that the parties are unable to agree upon a mediator, then the parties shall file, in a timely manner, a written request for the Court to appoint a list of potential mediators. As provided by ADR Rule 2.6, the parties shall share equally the costs of the mediation, and the parties further shall agree upon the nature and extent of mediation costs. Typically, mediation shall be completed no later than twenty (20) days before trial. Under all circumstances, the parties, counsel of record, and the mediator shall observe the spirit as well as the letter of the Indiana Rules for Alternative Dispute Resolution.

2000.40 Following the initial pretrial conference, counsel shall prepare an agreed case management order that includes all matters discussed by the parties, counsel, and the Court during the pretrial conference, including, without limitation, the matters set forth in these local rules and Trial Rule 16(A) and Trial Rule 16(C) of the Indiana Rules of Trial Procedure.

2000.50 As contemplated by Trial Rule 16(C) of the Indiana Rules of Trial Procedure, not later than fourteen (14) days before the final pretrial conference, the parties, or their attorneys, shall confer regarding all issue set forth in Trial Rule 16(A) and Trial Rule 16(C). Without limitation, the parties and counsel shall confer regarding the following:

(a) The parties shall discuss the final witness lists and final exhibit lists and contentions. The final witness and exhibit lists shall be complete, and they shall contain only witnesses who reasonably may be presented at trial and the exhibits that reasonably may be introduced at trial. The contentions shall be detailed and shall set forth statements of fact and law in support of and in defense of all claims and defenses record. The contentions shall be supported by references to depositions and exhibits if appropriate.

(b) The parties shall discuss any remaining issues regarding discovery.

(c) The parties shall discuss trial briefs and memoranda. Each party shall file and exchange a trial brief or memorandum at least seven (7) days before the trial. The trial brief or memorandum shall include a full statement or recitation of all evidence expected to be presented and a complete statement and analysis of all applicable legal theories to each claim and defense.

(d) The parties shall discuss the anticipated order of introduction and/or presentation of witness and exhibits. The parties shall agree upon the marking and/or labeling of exhibits. All exhibits must be marked prior to trial. Exhibits must be available in sufficient number at trial so that the sponsoring witness, opposing counsel, the Judge, and the Court Reporter each have a copy of the exhibit at the appropriate time.

(e) The parties shall discuss possible stipulations regarding facts. All stipulations shall be reduced to writing and submitted to the Court at the final pretrial conference.

2000.60 Following the final pretrial conference, counsel shall prepare an agreed final pretrial order that includes all matters discussed by the parties, counsel, and the Court during the pretrial conference, including, without limitation, the matters set forth in these local rules and Trial Rule 16(A) and Trial Rule 16(C) of the Indiana Rules of Trial Procedure.

2000.70 As contemplated by Trial Rule 16(K) of the Indiana Rules of Trial Procedure, a party or an attorney who fails to comply with these local rules or the Indiana Rules of Trial Procedure may be sanctioned.

LR51-TR26-2100 DISCOVERY GENERALLY

2100.10 As provided by Trial Rule 26 of the Indiana Rules of Trial Procedure, a party may obtain discovery by one or more of the following methods: (a) depositions upon oral examination or written questions; (b) written interrogatories; (c)

requests for production of documents or things; (d) requests for permission to enter upon land or other property for inspection and other purposes; (e) requests for physical and mental examination of persons; and (f) requests for admission.

2100.20 As provided by Trial Rule 26 of the Indiana Rules of Trial Procedure, a party propounding or responding to interrogatories, requests for production, or requests for admission shall serve the discovery request or response in a written format and in an electronic format (either on a disk or as an electronic document attachment) in any commercially available word processing software system. If transmitted on disk, each disk shall be labeled, identifying the caption of the case, the document, and the word processing version in which it is being submitted. If more than one disk is used for the same document, each disk shall be labeled and also shall be sequentially numbered. If transmitted by electronic mail, the document must be accompanied by electronic memorandum providing the forgoing identifying information. If the party propounding or responding to interrogatories, requests for production, or requests for admission lacks the equipment and ability to transmit the discovery in an electronic format as required by these local rules and Trial Rule 26 of the Indiana Rules of Trial Procedure, then the party shall serve the opposing party with a verified statement that the attorney or party appearing pro se lacks the equipment and the ability is unable to transmit the discovery as required by these local rules and Trial Rule 26 of the Indiana Rules of Trial Procedure.

2100.30 To curtail undue delay in the administration of justice, the Court shall refuse to rule upon any and all motions for discovery regarding the production of documents or things, permission to enter upon land or other property for inspection and other purposes, for physical or mental examinations, or to compel discovery, all as provided in Trial Rules 26 through 37 of the Indiana Rules of Procedure unless moving counsel shall first advise the Court, in writing, that after personal consultation and sincere attempts to resolve differences, they are unable to reach an accord. The Court shall be advised in writing as to what specific efforts have been made as specifically contemplated by Trial Rule 26(F) of the Indiana Rules of Trial Procedure. If counsel for any party advises the Court in writing that opposing counsel has refused or delayed meeting to discuss the problems covered in this subsection, the Court may take such action as is appropriate.

LR51-TR32-2200 USE OF DEPOSITIONS IN COURT PROCEEDINGS; PUBLICATION OF DEPOSITIONS

2200.10 As provided by Trial Rule 32 of the Indiana Rules of Trial Procedure, the seal upon depositions shall be broken and the deposition deemed published upon filing with the Court.

2200.20 When a deposition is utilized in support of or in opposition to a motion for summary judgment, the memorandum or brief filed in support of or in opposition to such a motion shall make specific reference by page and line or question number to those places in the deposition which purport to demonstrate the presence or absence of a material fact.

2200.20 A deposition of an expert witness shall be admissible in a civil trial, regardless of the availability of the expert witness, unless a written objection to the admissibility of the deposition is filed or made at least ten (10) before the deposition of the expert witness is taken or is filed or made ten (10) days after the expert witness' deposition is noticed, whichever deadline occurs first. A copy of the notice of deposition and a copy of the written objection shall be tendered to the reporter at the time the deposition is taken, and the documents shall be included with and made a part of the deposition. Nothing in these local rules prevents a party from serving a subpoena upon an expert witness and requiring an expert witness to appear at trial.

LR51-TR33-2300 INTERROGATORIES

2300.10 A person who serves interrogatories upon another person shall not file copies of the interrogatories with the Clerk of the Martin Circuit Court. Instead, the person who serves interrogatories upon another person shall file a written notice with the Clerk of the Court that states that the person has served the interrogatories and states the date upon which the answers, responses, and/or objections are to be made by the person upon whom the interrogatories were served. The written notice also shall include a certification that the person complied with the requirements regarding discovery generally as imposed by these local rules and Trial Rule 26 of the Indiana Rules of Trial Procedure.

2300.20 A person who responds to interrogatories shall file the written answers or responses, including objections, to the interrogatories with the Clerk of the Martin Circuit Court within the time provided by Trial Rule 33(A) of the Indiana Rules of Trial Procedure.

2300.30 The number of interrogatories which may be served pursuant to Trial Rule 26 and Trial Rule 33 of the Indiana Rules of Trial Procedure shall be limited so as to require no more than forty (40) answers. Each answer to section, subsection, part, or subpart shall be counted against the limitation. Waiver of this limitation by order of the Court will be granted in cases in which such limitation would work a manifest injustice or would be impractical because of the complexity of the issues of the case.

2300.40 An answer or an objection to an interrogatory first shall recite in full the interrogatory, then shall set forth the answer or the objection.

2300.50 No duplicated forms containing interrogatories shall be filed or served unless all interrogatories on such forms are consecutively numbered and are specifically applicable to the case in which they are served.

LR51-TR34-2400 PRODUCTION OF DOCUMENTS AND OTHER THINGS

2400.10 A person who serves requests for the production of documents and things upon another person shall not file copies of the requests for production with the Clerk of the Martin Circuit Court. Instead, the person who serves requests for the production of documents and things shall file a written notice with the Clerk of the Court that states that the person has served the requests for the production of documents and the date upon which the written response to the request for production is to be made. The written notice also shall include a certification that the person complied with the requirements regarding discovery generally as imposed by these local rules and Trial Rule 26 of the Indiana Rules of Trial Procedure.

2400.20 A person who responds to requests for the production of documents and things shall file the written responses, including objections, with the Clerk of the Martin Circuit Court within the time provided by Trial Rule 34(B) of the Indiana Rules of Trial Procedure.

2400.30 A person who seeks the production of documents or things from a non-party shall comply with Trial Rule 34(C) and Trial Rule 45(B) of the Indiana Rules of Trial Procedure.

LR51-TR36-2500 REQUESTS FOR ADMISSION

2500.10 A person who serves requests for admission shall not file copies of the requests for admission with the Clerk of the Martin Circuit Court. Instead, the person who serves requests for admission shall file a written notice with the Clerk of the Court that states that the person has served the requests for admission and the date upon which a proper written answer or objection is to be made or the matters are to be deemed to have been admitted. The written notice also shall include a certification that the person complied with the requirements regarding discovery generally as imposed by these local rules and Trial Rule 26 of the Indiana Rules of Trial Procedure

2500.20 As provided by Trial Rule 36 of the Indiana Rules of Trial Procedure, a person upon whom request for admission are served must file a proper written answer or objection within thirty (30) days, and in a form contemplated by Trial Rule 36, or the matter address will be deemed to have been admitted and conclusively established as a matter of rule and of law. A written answer or objection, in the proper form, must be filed, if at all, within thirty (30) days with the Clerk of the Martin Circuit and served upon the person who served the request for admission.

2500.30 The number of requests for admission which may be served pursuant to Trial Rule 26 and Trial Rule 36 of the Indiana Rules of Trial Procedure shall be limited so as to require no more than forty (40) answers. Each answer to section, subsection, part, or subpart shall be counted against the limitation. Waiver of this limitation by order of the Court will be granted in cases in which such limitation would

work a manifest injustice or would be impractical because of the complexity of the issues of the case.

LR51-TR37-2600 SANCTIONS: DISCOVERY VIOLATIONS

2600.20 When a party or counsel for a party fails to comply with any local rule or the Indiana Rules of Trial Procedure, the Court may direct the Clerk of the Martin Circuit Court to refuse to accept the document to be filed, or, if inadvertently accepted for filing, direct that such documents be stricken from the record. In addition to the foregoing, the Court may order the party or counsel for the party failing to comply with these local rules or the Indiana Rules of Trial Procedure to pay reasonable expenses, including attorney fees. The sanctions identified herein are in addition to any other sanctions that may be appropriate as a matter of rule or law.

LR51-TR41-2700 DISMISSAL OF ACTIONS

2700.10 As provided by Trial Rule 41 of the Indiana Rules of Trial Procedure, when no action has been taken in a case for a period of sixty (60) days, a party may ask the Court to schedule a hearing and require the plaintiff or initiating party to show cause why the Court should not dismiss the case for not diligently prosecuting the action. As provided by Trial Rule 41 of the Indiana Rules of Trial Procedure, when no action has been taken in a case for a period of sixty (60) days, the Court also may schedule a hearing upon its own motion and require the plaintiff or initiating party to show cause why the Court should not dismiss the case for not diligently prosecuting the action.

2700.20 At the end of each quarter, the Clerk of the Martin Circuit Court shall prepare a list of active civil cases that bear the “case classification codes” of CT, CP, PL, CC, MF, RS, DR, and JP in which the Chronological Case Summary establishes that no action has been taken for a period of sixty (60) days and shall forward the list to the Court. Upon receipt of the list, the Court may schedule hearings as is necessary to effect the intent of Trial Rule 41 of the Indiana Rules of Trial Procedure.

LR51-TR52-2800 REQUESTS FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW

2800.10 When a person makes a request for the Court to make specific findings of fact and conclusions of law pursuant to Trial Rule 52 of the Indiana Rules of Trial Procedure, these local rules shall apply.

2800.20 Within thirty (30) after the evidentiary hearing or trial is concluded that is the subject of the request, the person making the request shall file with the Court proposed findings of fact and conclusions of law. Within thirty (30) days after service of the document, all other parties shall file their proposed findings of fact and conclusions of law. The proposed findings of fact and conclusions of law shall comply with the provisions of these local rules.

2800.30 The proposed findings of fact filed by the person making the request pursuant to Trial Rule 52 shall include a complete, specific, and detailed recitation of all evidence that was introduced during the evidentiary hearing or trial by all parties. To the greatest extent possible, the proposed findings of fact shall include and make specific references to the record to establish the source of the evidence, e.g., the name of the witness, the name and number of the exhibit, whether the evidence was introduced by the plaintiff or the defendant. After all evidence of record has been detailed in the proposed findings of fact, then the person preparing the document may include the person's proposed resolution regarding disputes or conflicts between and among the evidence.

2800.40 The proposed conclusions of law filed by the person making the request pursuant to Trial Rule 52 shall include a complete, specific, and detailed recitation of legal arguments that were made during pretrial proceedings and during the evidentiary hearing or trial by both or all parties. After all legal theories and arguments have been detailed in the proposed conclusions of law, then the person preparing the document may include the person's proposed resolution of the case.

2800.50 All proposed findings of fact and conclusions of law shall include a separate section within the document that specifically sets forth the relief requested. Without limitation upon the foregoing, as is necessary to insure that no request for relief is overlooked and to insure that the Clerk of the Court has the ability to recognize the need to enter into a order book or judgment book a specific entry, the separate section that includes the requests for relief should include separate sentences or paragraphs for any request that may need special attention by the Court or the Clerk of the Court.

2800.60 All proposed findings of fact and conclusions of law shall be submitted to the Office of the Martin Circuit Court in electronic format at the time it is filed with the Clerk of the Court. Submissions in Microsoft Word or Corel WordPerfect upon 3 ½" disks or any other media are acceptable. Persons who desire to submit a document by email should contact the Court directly for instructions.

2800.70 For purposes of Trial Rule 52 and Trial Rule 53.1 of the Indiana Rules of Procedure, the record of proceedings shall not deemed to have been closed, and the Court shall not be required to rule within ninety (90) days as contemplated by Trial Rule 53.1, unless the parties have complied fully with these local rules and a person makes a written motion to close the record of proceedings.

**LR51-TR53.1-2900 FAILURE TO ENTER ORDER WITHIN THIRTY DAYS
SCHEDULING A HEARING OR FAILURE TO RULE
UPON A MOTION WITHIN THIRTY DAYS**

2900.10 As provided by Trial Rule 53.1(A) of the Indiana Rules of Procedure, the Court (a) shall attempt to enter an order, within thirty (30) days after a motion is filed, scheduling each motion for a hearing, (b) shall attempt to rule upon each motion within thirty (30) days after it was filed if no hearing is required, or (c) shall

attempt to rule upon each motion within thirty (30) days after the Court conducted a hearing in connection with the motion, subject to any other applicable rule.

2900.20 If a person believes that the Court is required to enter an order within thirty (30) days scheduling a hearing, then the motion shall be accompanied by a separate document captioned, “Motion to Enter Order Within Thirty (30) Days Scheduling Hearing”. The separate motion requesting the Court to schedule a hearing shall include a statement regarding how much time the hearing is expected to take, how many witnesses are expected to be presented, when the moving party desires the hearing to be scheduled, and the likelihood of the parties settling all disputed or contested issues prior to the hearing.

2900.30 If a person believes that (a) the Court is required to enter an order within thirty (30) days after the motion is filed scheduling a hearing, and (b) the person has complied fully with the local rules of the Martin Circuit Court, but the Court has not entered an order or entry scheduling a hearing within twenty-one (21) days after filed the motion, then the person immediately shall submit directly to the Office of the Martin Circuit Court a formal or informal letter, motion, petition, or notice informing the Court of the deadline imposed by Trial Rule 53.1(A) and requesting immediate action by the Court.

2900.40 If a person believes that the Court is required to rule upon a motion within thirty (30) days after it was filed and no hearing is required, then the motion shall be accompanied by a separate document captioned, “Motion to Rule Within Thirty (30) Days Without Hearing”. If a person believes that (a) the Court is required to rule upon a motion within thirty (30) days after it was filed and no hearing is required, and (b) the person has complied fully with the local rules of the Martin Circuit Court, but the Court has not ruled upon the motion at least twenty-one (21) days after the motion was filed, then the person immediately shall submit directly to the Office of the Martin Circuit Court a formal or informal letter, motion, petition, or notice informing the Court of the deadline imposed by Trial Rule 53.1(A) and requesting immediate action by the Court.

2900.50 If a person believes that (a) the Court is required to rule upon a motion within thirty (30) days after a hearing has been held or conducted, and (b) the person has complied fully with the local rules of the Martin Circuit Court, but the Court has not ruled upon the motion at least twenty-one (21) days after the hearing was held or conducted, then the person immediately shall submit directly to the Office of the Martin Circuit Court a formal or informal letter, motion, petition, or notice informing the Court of the deadline imposed by Trial Rule 53.1(A) and requesting immediate action by the Court.

2900.60 If a person does not comply fully with these local rules, then the Court will presume that the person does not desire the Court to schedule a hearing or to rule promptly as otherwise contemplated by Trial Rule 53.1(A) and further does not intend to withdraw the motion from the presiding judge pursuant to Trial Rule 53.1(E).

LR51-TR53.2-3000 TIME FOR HOLDING ISSUE UNDER ADVISEMENT

3000.10 As provided by Trial Rule 53.2(A) of the Indiana Rules of Procedure, the Court shall attempt to determine all issues of law and fact within ninety (90) days after a cause has been tried to the court, the cause has been fully briefed, and the record of proceedings has been formally closed.

3000.20 If (a) a cause has been tried to the Court, the cause has been fully briefed, and the record of proceedings has been formally closed, (b) sixty (60) days have passed, and (c) the Court has not determined all issues of law and fact, and a party to the cause may wish to withdraw the submission of all pending issues and the cause from the trial judge pursuant to Trial Rule 53.2 of the Indiana Rules of Trial Procedure if the Court does not to determine all issues of law or fact within ninety (90) days as otherwise contemplated by Trial Rule 53.2, the party immediately shall submit directly to the Office of the Martin Circuit Court a formal or informal letter, motion, petition, or notice informing the Court of the deadline imposed by Trial Rule 53.2(A) and requesting immediate action by the Court.

3000.30 If a person does not comply fully with these local rules, then the Court shall presume that the time limitation for holding an issue under advisement under Trial Rule 53.2(A) shall not apply and further does not intend to withdraw the cause from the trial judge pursuant to Trial Rule 53.2(E).

LR51-TR53.4-3100 REPETITIVE MOTIONS AND TIME LIMITATIONS

3100.10 As provided by Trial Rule 53.4(A) of the Indiana Rules of Procedure, the Court shall not schedule a hearing in connection with a repetitive motion or a motion to reconsider an order or a ruling upon a motion.

3100.20 As provided by Trial Rule 53.4(B) of the Indiana Rules of Procedure, unless the Court enters an order specifically granting the relief requested in a repetitive motion, then the relief requested in a repetitive motion shall be deemed to have been denied. Further, as provided by Trial Rule 53.4(B), the Clerk of the Court shall not be required to serve notice of the entry of denial of the relief requested in a repetitive motion.

LR51-TR53.5-3200 CONTINUANCES

3200.10 Motions for continuance are discouraged, and the Court rejects the notion of automatic continuances by purported custom and tradition.

3200.20 A motion for continuance, unless made during the hearing of the cause, shall be in writing, shall be signed and shall be verified. Without limitation upon the foregoing, a motion for continuance shall comply fully with Trial Rule 53.5 and Trial Rule 11 of the Indiana Rules of Trial Procedure and all provisions of these local rules.

3200.30 A motion for continuance based upon a scheduling conflict with another cause shall specify the Court, the case name, the Cause number, the date the hearing or trial was set, and the type of hearing or trial.

3200.40 Before requesting a continuance, the moving party, or counsel for the moving party, shall confer with the other parties, or counsel for the other parties, to determine any objections and to ascertain possible dates for rescheduling proceedings when all parties are available. Such objections and alternative dates shall be reported in the motion for continuance.

3200.50 A motion for continuance shall denominate whether it is the first (1st), second (2nd), third (3rd), fourth (4th), or subsequent motion, and it shall include the name of party requesting the continuance. E.g., “Plaintiff’s First Motion to Continue Jury Trial”; “Defendant’s Second Motion to Continue Jury Trial”; “Respondent’s Second Motion to Continue Final Hearing”; “Petitioner’s First Motion to Continue Pre-Hearing Conference”; “State’s First Motion to Continue Discovery Deadline”.

LR51-TR55-3300 JUDGMENT: DEFAULT

3300.10 An application for a default judgment requesting an allowance of attorney’s fees shall be accompanied by an affidavit executed by the attorney of record requesting the fee. The affidavit shall be in a form that will enable the Court to determine the amount of a reasonable fee in the specific case in issue and shall include billing records or billing information. In the absence of an affidavit, the amount of the attorney’s fee will be determined by the Court and may be nominal, or the request may be denied.

3300.20 An application for a default judgment involving a commercial, collections, or business case shall be accompanied by an affidavit and supporting documents as are necessary to establish the debt in issue with certainty. The affidavit shall be executed by a person with personal knowledge of the actual debt in issue, and the affidavit and support documents may not be a generic form documents.

LR51-TR56-3400 SUMMARY JUDGMENT

3400.10 As provided by Trial Rule 56(C) of the Indiana Rules of Procedure, an adverse party shall have thirty (30) days to serve a response to a motion for summary judgment, and affidavits filed in support of the motion, after the moving party serves the motion for summary judgment. Trial Rule 56 does not contemplate the filing of a reply brief by the moving party. However, the Court may allow the moving party to file a reply brief upon receipt of a written motion that establishes good cause.

3400.20 As provided by Trial Rule 56(C) of the Indiana Rules of Procedure, the Court typically will not conduct a hearing in connection with a motion for summary judgment. However, if a party files a motion to conduct a hearing no later than

ten (10) days after the response was filed or was due, as provided by Trial Rule 56(C), then the Court shall schedule and conduct a hearing.

3400.30 As provided by Trial Rule 56(C) of the Indiana Rules of Procedure, at the time of filing the motion or response, a party shall designate all parts of pleadings, depositions, answers to interrogatories, admissions, matters of judicial notice, and any other matters upon which it relies for purposes of the motion or response. A party opposing the motion also shall designate each material issue of fact which that party asserts precludes entry of summary judgment and the evidence relevant thereto.

3400.40 Within fourteen (14) days after the motion for summary judgment is fully briefed or a hearing has been conducted, whichever is later, the moving party shall submit a proposed entry and judgment. The proposed entry and judgment shall include a complete, specific, and detailed recitation of all evidence upon which the moving party has relied during the proceedings, including, without limitation, all parts of pleadings, depositions, answers to interrogatories, admissions, matters of judicial notice, and any other matters. To the greatest extent possible, the proposed entry and judgment shall include and make specific references to the record to establish the source of the evidence, e.g., the name of the witness, the name and number of the exhibit, whether the evidence was introduced by the plaintiff or the defendant. The proposed entry and judgment also shall include a complete, specific, and detailed recitation of legal arguments upon which the moving party has relied during the proceedings.

3400.50 Within seven (7) days after the moving party has submitted the proposed entry and judgment, the adverse party shall submit a proposed entry and judgment. The proposed entry and judgment shall include a complete, specific, and detailed recitation of all evidence upon which the adverse party has relied during the proceedings, including, without limitation, all parts of pleadings, depositions, answers to interrogatories, admissions, matters of judicial notice, and any other matters. To the greatest extent possible, the proposed entry and judgment shall include and make specific references to the record to establish the source of the evidence, e.g., the name of the witness, the name and number of the exhibit, whether the evidence was introduced by the plaintiff or the defendant. The proposed entry and judgment also shall include a complete, specific, and detailed recitation of legal arguments upon which the adverse party has relied during the proceedings.

3400.60 The proposed entry and judgment shall include a separate section within the document that specifically sets forth the relief requested. Without limitation upon the foregoing, as is necessary to insure that no request for relief is overlooked and to insure that the Clerk of the Court has the ability to recognize the need to enter into a order book or judgment book a specific entry, the separate section that includes the requests for relief should include separate sentences or paragraphs for any request that may need special attention by the Court or the Clerk of the Court.

3400.70 The proposed entry and judgment law shall be submitted to the Office of the Martin Circuit Court in electronic format at the time it is filed with the Clerk of the Court. Submissions in Microsoft Word or Corel WordPerfect upon 3 ½” disks or any other media are acceptable. Persons who desire to submit a document by email should contact the Office of the Martin Circuit Court directly for instructions.

LR51-TR58-3500 DUTIES OF ATTORNEYS REGARDING ENTRY AND CONTENT OF JUDGMENTS

3500.10 When the Court directs counsel to prepare a document for the Court’s execution, including, without limitation, an entry, findings of fact and conclusions of law, an order, a judgment, or a decree, counsel shall prepare the document consistent with the provisions of Trial Rule 58 of the Indiana Rules of Trial Procedure.

3500.20 Unless otherwise directed or unless otherwise specifically provided by these local rules or the Indiana Rules of Trial Procedure, when the Court directs counsel to prepare a document for the Court’s execution, counsel shall prepare the document and submit it to the Court within seven (7) days.

3500.30 Unless the Court specifically directs otherwise, when the Court directs counsel to prepare a document for the Court’s execution, counsel shall insure that all attorneys of record have reviewed the document as to form and have approved the document before counsel submits it to the Court. If all attorneys of record do not agree as to the form of the document, then counsel shall inform the Court of the lack of agreement.

3500.40 Unless the Court specifically directs otherwise, when the Court directs counsel to prepare a document for the Court’s execution, the documents also shall be submitted directly to the Office of the Martin Circuit Court in electronic format at the time it is filed with the Clerk of the Court. Submissions in Microsoft Word or Corel WordPerfect upon 3 ½” disks or any other media are acceptable. Persons who desire to submit a document by email should contact the Office of the Martin Circuit Court directly for instructions.

LR51-TR72-3600 TRIAL COURTS AND CLERKS

3600.10 Trial Rule 72(D) of the Indiana Rules of Procedure provides as follows: “Immediately upon the entry of a ruling upon a motion, an order or judgment, the clerk shall serve a copy of the entry by mail in the manner provided for in Rule 5 upon each party who is not in default for failure to appear and shall make a record of such mailing.”

3600.20 The Clerk of the Court shall comply fully with Trial Rule 5, Trial Rule 72, and Trial Rule 77 of the Indiana Rules of Trial Procedure, Rule 9 and Rule 10 of the Indiana Administrative Rules, these local rules, and all other applicable laws, rules,

and orders of this Court, regarding the filing, processing, docketing, mailing, delivery, and maintenance of court records and documents.

3600.30 Unless the Clerk of the Court makes a written request to the Court and specifically receives from the Court an extension of time to process a document, “immediately” means that the Clerk of the Court shall process the document and comply fully with all applicable Trial Rules, Administrative Rules, and local rules no later than the next business day after the Clerk of the Court receives the document from the Court for processing.

3600.40 Failure to comply fully with Trial Rule 5, Trial Rule 72, and Trial Rule 77 of the Indiana Rules of Trial Procedure, Rule 9 and Rule 10 of the Indiana Administrative Rules, these local rules, and all other applicable laws, rules, and orders of this Court may subject the Clerk of the Court and any deputy clerk who was charged with the responsibility of discharging the Court’s business to a citation for contempt of court.

LR51-TR73-3700 HEARINGS UPON MOTIONS

3700.10 Trial Rule 73 of the Indiana Rules of Procedure provides as follows: “To expedite its business, the court may direct the submission and determination of motions without oral hearing upon brief written statements of reasons in support and opposition, or direct or permit hearings by telephone conference call with all attorneys or other similar means of communication.”

3700.20 The Court encourages parties and counsel to make requests to employ procedures, consistent with Trial Rule 73 and these local rules, to expedite the resolution of disputes in an efficient and cost-effective manner. However, requests to utilize non-traditional procedures must also serve the interests of justice, protect the integrity of the judicial process, and preserve the confidence of the public in then proceedings.

LR51-TR76-3800 CHANGE OF VENUE FROM THE JUDGE

3800.10 As contemplated and provided by Trial Rule 79(N) of the Indiana Rules of Trial Procedure, counsel jointly shall notify the Court and the special judge, in writing, regarding the willingness of the parties and counsel to conduct hearings or other proceedings in the special judge's courtroom, rather than in the Martin Circuit Court, if such an arrangement would expedite the proceedings to be conducted in this cause hereafter. As contemplated and provided by Trial Rule 79(N), proceedings conducted in the special judge's courtroom will be reported and made a part of the existing record as if such proceedings had been conducted in the Martin Circuit Court.

3800.20 If agreed and stipulated by counsel and the parties in writing and thereafter ordered by the Special Judge presiding over the case, the parties formally may change venue of this cause to the special judge's court and county as contemplated and provided by Trial Rule 79(M) of the Indiana Rules of Trial Procedure. Assessment of

statutory change of venue fees shall be shared equally by the parties unless the parties formally agree and stipulate otherwise, and the County of Martin, under no circumstances, shall bear any responsibility whatsoever for payment of costs, fees, and expenses associated with such a change of venue.

3800.30 Any party who submits to the Clerk of the Court a motion, petition, pleading, or other filing that requires the attention of a special judge shall forward a copy of the document directly to the special judge at the time the document is submitted to the Clerk of the Court.

3800.40 After a special judge is selected, the attorneys or pro se litigants shall add to the caption of all pleadings to the right of the case title the following: “BEFORE SPECIAL JUDGE _____.”

3800.50 After a special judge has qualified, a copy of each a motion, petition, pleading, or other filing shall be mailed or delivered to the office of the special judge by counsel or pro se litigant with service indicated in the certificate of service.

3800.60 After a special judge has been selected, the Clerk of the Court shall forward to the special judge, within three (3) days, a complete chronological case summary, a copy of the pleadings, a copy of each substantive motion theretofore filed, a copy of any order theretofore entered, and any pending motion. The Clerk of the Court shall note in the chronological case summary when the Clerk has completed the copying and mailing.

LR51-TR77-3900 COURT RECORDS: DOCUMENTS SHALL BE FILED WITH THE CLERK OF THE COURT

3900.10 Trial Rule 77(H) of the Indiana Rules of Procedure provides as follows: “All pleadings and papers shall be filed in accordance with Trial Rule 5 with the clerk of the circuit court.” Therefore, as contemplated by with Trial Rule 5 and Trial Rule 77 of the Indiana Rules of Trial Procedure, all documents shall be filed with the Clerk of the Court.

3900.20 The Office of the Judge of the Martin Circuit Court shall not accept a document for filing unless exigent circumstances exist. In the absence of exigent circumstances, any document delivered to the Office of the Judge of the Martin Circuit Court for filing will be treated, at the discretion of the Court, as follows: (a) it will be forwarded to the Office of the Clerk of the Martin Circuit Court for processing; (b) it will be returned to the person who tendered the pleading or other document to the Court; or (c) it will be discarded.

3900.30 A person who believes that exigent circumstances exist and that a document must be filed directly in the Office of the Judge of the Martin Circuit Court must file a separate document, in the form of a verified or affirmed motion or petition, that specifically sets forth in detail why the person believes that direct filing of the

document is in the best interests of the moving party, how it will serve the ends of justice, how it will not negatively impact the responding party, and how it will not create the appearance of impropriety.

3900.40 A person who fails to comply with these local rules and/or Trial Rule 5 and Trial Rule 77 of the Indiana Rules of Trial assumes all responsibility for any delays or penalties associated with such failure.

LR51-TR77-3950 COURT RECORDS: CHRONOLOGICAL CASE SUMMARY ENTRIES

3950.10 Each person who submits a document for filing also shall submit a separate document that constitutes a Chronological Case Summary Entry (“CCSE”) for the document to be filed.

3950.20 The CCSE shall be a short plain statement that includes the name or title of the document, a brief description of the document and/or the relief requested therein, and the name of the person who filed the document. E.g., “Complaint for Damages filed by Plaintiff”; “Answer filed by Defendant”; “Petition for Dissolution of Marriage filed by Jane A. Doe, Petitioner-Mother”; “Appearance filed by John R. Doe upon behalf of Richard A. Roe, Petitioner-Father”; “Second Motion to Continue Final Hearing filed by Respondent-Mother”; “Petition for Modification filed by Richard A. Roe, Petitioner-Father, asking Court to schedule hearing, to appoint Guardian Ad Litem, and to modify existing orders regarding child custody, parenting time, and child support”; “Motion to Suppress filed by Defendant asking Court to schedule hearing and to suppress evidence seized during warrantless search of automobile”.

LR51-TR77-3960 COURT RECORDS: FILING REQUIREMENTS

3960.10 Administrative Rule 11 of the Indiana Administrative Rules provides as follows: “all pleadings, copies, motions and documents filed with any trial court or appellate level court, typed or printed, with the exception of exhibits and existing wills, shall be prepared on 8-1/2" x 11" size paper.” Consequently, the Clerk of the Court shall not accept for filing any document that is not typed or clearly printed, unless the document is an exhibit or an existing will.

3960.20 All pleadings, copies, motions, petitions, and other documents submitted to the Clerk of the Court for filing shall include the full caption of the case, including the name of the court, the name of each party in the case, and the case number. The Clerk of the Court shall not accept for filing any document that does not include the full caption of the case, unless the document is an exhibit or an existing will.

3960.25 All documents presented for filing shall be flat and unfolded.

3960.30 All motions, petitions, and other documents that include a request for relief shall be submitted to the Clerk of the Court as follows:

a. In addition to the original document, a person shall submit one (1) additional copy of: (i) a motion for judgment on the pleadings, (ii) a motion to dismiss, (iii) a motion for summary judgment, (iv) a motion or petition to transfer a cause other than a motion for change of venue from the judge, and (v) a motion for sanctions.

b. Each document shall be accompanied by additional copies if a person has requested the return of a file-marked copy of the document.

c. Each document shall be accompanied by a proposed order that specifically grants the relief requested in the document.

3960.40 When proposed orders are required, the proposed orders shall be submitted to the Clerk of the Court as follows:

a. All proposed orders shall be typewritten.

b. At least one (1) of the tendered proposed orders shall be printed on high-quality bond paper.

c. In addition to the order printed on high-quality bond paper, an additional order for the Court's flat file shall be tendered.

d. In addition to the orders required for the Court's use, additional proposed orders shall be tendered in a sufficient number to provide for distribution to each party and to each attorney of record.

e. If the proposed order is an order that grants a motion for continuance or a motion for enlargement of time, then the proposed order shall include a blank or blanks sufficient to allow the Court to set future deadlines or to schedule future pretrial conferences, hearings, or a trial. A proposed order shall not propose to continue a cause generally.

3960.50 Pre-addressed, stamped envelopes are required as follows:

a. A person who seeks the return of a file-marked motion, petition, order, or other document shall submit a self-addressed, stamped envelope with the document to be returned.

b. All proposed orders shall be accompanied by a pre-addressed, stamped envelope for each party or attorney of record unless the attorney of record has consented to accept service of papers by maintaining a mailbox in the Office of the Clerk of the Court.

c. Any other document tendered by a party that must be mailed following some action by the Court shall be accompanied by a pre-addressed, stamped envelope for each party and each attorney of record who is entitled to receive a copy of the document.

3960.60 A person who seeks service or delivery of a document by certified mail, return receipt requested shall submit to the Clerk of the Court all completed forms, cards, and other documents necessary for such mailing, with postage affixed, at the time the person submits the document to the Clerk of the Court.

3960.70 A person who seeks to have a document mailed, served, delivered, or forwarded either by the Clerk of the Court or the Sheriff of Martin County shall make a written request for service, therein designating the manner of service and providing complete information regarding the recipient's whereabouts, including, without limitation, the recipient's full and complete mailing address, 911 address, and physical address. If applicable, a party shall provide written directions to the Sheriff, using street or road names and identifiable landmarks, all sufficient to enable the Sheriff to locate the recipient's physical location.

3960.80 The Court shall not be required to act or rule upon any motion, petition, or other request for relief unless filed in conformity with these local rules, the Indiana Administrative Rules, and/or the Indiana Rules of Trial Procedure. A person who fails to comply with these local rules these local rules, the Indiana Administrative Rules, and/or the Indiana Rules of Trial Procedure assumes all responsibility for any delays or penalties associated with such failure.

LR51-TR79-4000 SELECTION OF SPECIAL JUDGES: APPOINTMENT

4000.10 Trial Rule 79(H) of the Indiana Rules of Procedure provides, in part, that the trial courts are required to adopt a local rule to provide for the selection of a special judge in the event that a special judge does not accept a case under sections (D), (E), or (F) of Trial Rule 79 or the presiding judge is required to disqualify under the Code of Judicial Conduct pursuant to Trial Rule 79(C). The Martin Circuit Court is the only court of record in Martin County, Indiana, and it has exclusive jurisdiction over all cases filed in Martin County. These local rules are adopted to comply with the provisions of Trial Rule 79(H).

4000.20 In the event that a special judge does not accept a case under sections (D), (E), or (F) of Trial Rule 79 of the Indiana Rules of Procedure or the presiding judge is required to disqualify under the Code of Judicial Conduct pursuant to Trial Rule 79(C), the Court shall assign the case to the next available judge from the following list of potential special judges:

The regular and presiding Judge of the Daviess Circuit Court
The regular and presiding Judge of the Daviess Superior Court
The regular and presiding Judge of the Dubois Circuit Court

The regular and presiding Judge of the Dubois Superior Court
The regular and presiding Judge of the Knox Circuit Court
The regular and presiding Judge of the Knox Superior Court No. 1
The regular and presiding Judge of the Pike Circuit Court
The regular and presiding Judge of the Knox Circuit Court
The regular and presiding Judge of the Knox Superior Court No. 1

4000.30 Each of the courts listed herein is located within Administrative District 13. Each regular and presiding judge of the referenced court has agreed to serve as a special judge of and in the Martin Circuit Court if called or requested, and the judges are eligible to serve as special judges under the provisions of Trial Rule 79(J) of the Indiana Rules of Trial Procedure.

LR51-TR79-4100 SELECTION OF SPECIAL JUDGES: PANELS

4100.10 Trial Rule 79(F) of the Indiana Rules of Procedure provides, in part, that, when a special judge must be appointed and when a special judge has not been selected pursuant to Trial Rule 79(D), Trial Rule 79(E), or Trial Rule 79 (H) of the Indiana Rules of Procedure, “the judge before whom the case is pending shall submit a panel of three persons eligible under Section J [of Trial Rule 79] to the parties” for selection of a special judge.

4100.20 In a cause in which the regular and presiding Judge of the Martin Circuit Court is required or permitted to name a panel of potential special judges, the Court shall name a panel from a list of potential special judges maintained by the Court for that purpose. When reasonable and practical, panels shall be named by rotating among the names of the potential special judges, using a systematic and routine process.

4100.30 When practical, panels shall be created and named from the following list:

The regular and presiding Judge of the Daviess Circuit Court
The regular and presiding Judge of the Daviess Superior Court
The regular and presiding Judge of the Dubois Circuit Court
The regular and presiding Judge of the Dubois Superior Court
The regular and presiding Judge of the Knox Circuit Court
The regular and presiding Judge of the Knox Superior Court No. 1
The regular and presiding Judge of the Lawrence Circuit Court
The regular and presiding Judge of the Lawrence Superior Court No. 1
The regular and presiding Judge of the Lawrence Superior Court No. 2
The regular and presiding Judge of the Orange Circuit Court
The regular and presiding Judge of the Orange Superior Court
The regular and presiding Judge of the Pike Circuit Court

4100.40 Each regular and presiding judge of the referenced court has agreed to serve as a special judge of and in the Martin Circuit Court if called or requested, and the judges are eligible to serve as special judges under the provisions of Trial Rule 79(J) of the Indiana Rules of Trial Procedure.

MARTIN COUNTY CIRCUIT COURT CRIMINAL RULES

LR51-CR00-1000 DEFINITIONS

1000.10 Unless specifically stated or defined otherwise, “Court”, “Martin Circuit Court”, or “Martin County Circuit Court” shall mean the State of Indiana, County of Martin, Ninetieth Judicial Circuit, which is the Martin County Circuit Court. Any action taken by the regular and presiding Judge of the Martin County Circuit Court, a Special Judge selected or appointed to preside over a case pending in the Martin County Circuit Court, a Senior Judge appointed to preside over a case pending in the Martin County Circuit Court, or a Judge Pro Tempore appointed to preside over a case pending in the Martin County Circuit Court shall be deemed to be the act of the “Court”.

1000.20 Unless specifically stated or defined otherwise, “Clerk” or “Clerk of the Court” shall mean the Clerk of the Martin County Circuit Court.

1000.30 Unless specifically stated or defined otherwise, “State”, “State of Indiana”, or “Prosecuting Attorney” shall mean the duly-elected prosecuting attorney of and for the Ninetieth Judicial Circuit, which is Martin County, Indiana. Any action taken by a duly-appointed deputy prosecuting attorney or a special prosecuting attorney also shall be deemed to be the act of the “State”.

LR51-CR00-1100 APPLICATION OF MARTIN COUNTY CIRCUIT COURT CIVIL RULES AND THE MARTIN COUNTY CIRCUIT COURT ADMINISTRATIVE RULES IN CRIMINAL CASES

1100.10 Unless specifically limited by the Indiana Rules of Criminal Procedure and the Indiana Rules of Trial Procedure, then the Martin County Circuit Court Civil Rules and the Martin County Circuit Court Administrative Rules shall apply to all criminal cases filed in the Martin County Circuit Court.

1100.20 If a conflict exists between the local rules, then the Martin County Circuit Court Criminal Rules shall apply in criminal cases. However, to the extent that the local rules can be applied without conflict, all local rules shall be observed.

LR51-CR1.1-1200. DOCUMENTS AND INFORMATION EXCLUDED FROM PUBLIC ACCESS AND CONFIDENTIAL PURSUANT TO ADMINISTRATIVE RULE 9(G)(1).

1200.10 As provided by Criminal Rule 1.1 of the Indiana Rules of Criminal Procedure, all documents and information excluded from public access pursuant to Administrative Rule 9(G)(1) shall be filed in accordance with Trial Rule 5(G) of the Indiana Rules of Trial Procedure. Such documents and information also shall be filed in accordance with

the Martin County Circuit Court Civil Rules and Martin County Circuit Court Administrative Rules.

1200.20 A document that does not comply with Trial Rule 5(G) of the Indiana Rules of Trial Procedure and Administrative Rule 9(G) or these local rules shall be treated, at the discretion of the Court or the Clerk of the Martin Circuit Court, as follows: (a) the document will be returned to person who tendered the document; (b) the document will be designated as “received”, rather than “filed”, and it will be placed into a flat file for a period not to exceed thirty (30) days to await receipt of a conforming document; or (c) the document will be discarded. Any delay or penalty associated with failure to submit or tender a document in the proper form is assumed by the person who failed to comply with these local rules, Criminal Rule 1.1 of the Indiana Rules of Criminal Procedure, Trial Rule 5(G) of the Indiana Rules of Trial Procedure, and Indiana Administrative Rule 9(G). The Clerk of the Martin Circuit Court shall not be required to notify anyone that the person has failed to comply with these local rules, the Indiana Rules of Criminal Procedure, the Indiana Rules of Trial Procedure, or the Indiana Administrative Rules.

LR51-CR2.1-1250 APPEARANCES

1250.10 As provided by Criminal Rule 2.1(A) of the Indiana Rules of Criminal Procedure, “at the time a criminal proceeding is commenced, the prosecuting attorney for the county where the action is pending shall file an appearance form setting forth the following information: the name, mailing address, physical address attorney number, telephone number, fax number, and email or computer address of the prosecuting attorney and any deputy prosecuting attorney representing the State of Indiana, as applicable; the case type of the proceeding [Administrative Rule 8(B)(3)]; a statement that the State will or will not accept service by fax; and the number of any arrest report relating to the factual basis underlying the criminal proceeding”.

1250.20 As provided by Criminal Rule 2.1(B) of the Indiana Rules of Criminal Procedure, at the time an attorney for the defendant first appears in the criminal case, the defense attorney shall file an appearance form setting forth the following information: the name, mailing address, physical address, attorney number, telephone number, fax number, and email or computer address of the attorney representing the defendant; the case number assigned to the criminal proceeding; a statement that the defense attorney will or will not accept service by fax; and the mailing address, physical address, and telephone number of the attorney’s client.

1250.30 As provided by Criminal Rule 2.1(C) of the Indiana Rules of Criminal Procedure, in the event a defendant decides to represent himself or herself in a criminal proceeding without assistance of counsel, the defendant shall file an appearance form setting forth the following information: the full name, mailing address, physical address, telephone number, fax number (if available), and email or computer address (if available) of the defendant; the case number assigned to the criminal proceeding; and a statement whether the defendant will or will not accept service by fax.

1250.40 As provided by Criminal Rule 2.1(E) of the Indiana Rules of Criminal Procedure, in the event matters must be filed before the information required by this rule is available, the appearance form shall be submitted with available information and supplemented when the absent information is acquired. Attorneys shall promptly advise the Clerk of the Martin Circuit Court of any change in the information previously supplied to the court on the appearance form.

1250.50 As provided by Criminal Rule 2.1(F) of the Indiana Rules of Criminal Procedure, in the event an attorney, different from any attorney specifically identified in a previously filed appearance, is temporarily representing a party in a proceeding before the court, through filing a pleading with the court or in any other capacity including discovery, the new attorney shall file an appearance form. The appearance form shall contain the information set out in Section (A) or (B) of Criminal Rule 2.1, shall provide the name, attorney number, and all contact information of the attorney who has filed the prior appearance in the case, the new attorney's temporary status, and the date the temporary appearance shall end. The Court shall not be required to act on the temporary appearance unless the new temporary attorney has not appeared at the request of a party's previously identified counsel.

1250.60 Unless specifically in conflict with the provisions herein, each attorney or unrepresented party also must comply with the relevant provisions of the Martin County Circuit Court Civil Rules and Martin County Circuit Court Administrative Rules regarding appearances.

LR51-CR2.2-1300 ASSIGNMENT OF CASES

1300.10 Criminal Rule 2.2 of the Indiana Rules of Criminal Procedure provides, in part, that "[t]he courts of record in each county shall adopt for approval by the Indiana Supreme Court a local rule by which all felony and misdemeanor cases shall be assigned to each court in the county at the time of filing." These local rules are adopted to comply with the provisions of Criminal Rule 2.2.

1300.20 The Martin Circuit Court is the only court of record in Martin County, Indiana, and it has exclusive jurisdiction over all criminal cases filed in Martin County, as well as exclusive jurisdiction over all other cases filed in Martin County. As a result, all felony and misdemeanor cases filed in Martin County, Indiana shall be assigned to the Martin Circuit Court. In the event that a felony or misdemeanor case pending in the Martin Circuit Court is dismissed, it shall be re-filed, if at all, in the Martin Circuit Court, and the judge who presided over the prior felony or misdemeanor case shall preside over the re-filed case.

1300.30 Pursuant to Criminal 13(C) of the Indiana Rules of Criminal Procedure, the Court now names the following alternate assignment list for use in the event that a change of judge is granted in a felony or misdemeanor case pending in the Martin Circuit Court:

The regular and presiding Judge of the Daviess Circuit Court
The regular and presiding Judge of the Daviess Superior Court
The regular and presiding Judge of the Dubois Circuit Court

The regular and presiding Judge of the Dubois Superior Court
The regular and presiding Judge of the Lawrence Circuit Court
The regular and presiding Judge of the Lawrence Superior Court No. 1
The regular and presiding Judge of the Lawrence Superior Court No. 2
The regular and presiding Judge of the Orange Circuit Court
The regular and presiding Judge of the Orange Superior Court

1300.40 Each of the courts listed in section 301.40 is located in a county that is contiguous to Martin County as contemplated by Criminal Rule 13(C) of the Indiana Rules of Criminal Procedure. Each regular and presiding judge of the referenced court has agreed to serve as a special judge of and in the Martin Circuit Court if called or requested.

LR51-CR3-1400 MOTIONS

1400.10 A motion to dismiss, a motion to suppress evidence, or any other substantive motion shall include a detailed statement of the facts and the law underlying the motion. The motion also shall be accompanied by a memorandum or brief that fully addresses all issues and arguments in the motion.

1400.20 All substantive motions, including all motions to dismiss and motions to suppress evidence, shall be filed not later than thirty (30) days before the first scheduled jury trial date. Failure to file a substantive motion in a timely manner shall be construed to be a waiver of any issue that otherwise could have been raised in such a motion, with the exception of a motion to dismiss based upon lack of jurisdiction over the subject matter, which may be made at any time.

LR51-CR4-1500 DISCHARGE FOR DELAY IN CRIMINAL TRIALS

1500.10 As provided by Criminal Rule 4 of the Indiana Rules of Criminal Procedure and decisions from the appellate courts interpreting and applying the provisions of Criminal Rule 4, the State of Indiana, by the Office of the Prosecuting Attorney of Martin County (Ninetieth Judicial Circuit), shall monitor the status of all criminal cases to insure that all cases are diligently prosecuted and that all defendants receive a speedy trial as contemplated by Criminal Rule 4.

1500.20 As provided by Criminal Rule 4 of the Indiana Rules of Criminal Procedure, the State of Indiana, by the Office of the Prosecuting Attorney of Martin County (Ninetieth Judicial Circuit), shall file written motions in a timely manner as contemplated by Criminal Rule 4(A), 4(B), and 4(C) when circumstances warrant.

1500.30 As provided by Criminal Rule 4 of the Indiana Rules of Criminal Procedure and decisions from the appellate courts interpreting and applying the provisions of Criminal Rule 4, the parties are responsible for creating a complete and accurate contemporaneous record regarding delays and requests for continuances. The Court bears no responsibility if the record is incomplete or silent regarding such matters.

1500.40 Any person that files or makes a motion or request to continue a pretrial conference, a trial date, a hearing, or any other scheduled proceeding shall take notice that the delay associated with the motion or request shall be charged to the party that files or makes the motion or request for purposes of time calculations pursuant to Criminal Rule 4 of the Indiana Rules of Criminal Procedure.

1500.50 A person who files or makes a written motion or request to continue a proceeding, including, without limitation, a pretrial conference, a trial date, a hearing, or any other scheduled proceeding, shall include in the written motion or request a statement that the person accepts responsibility for the delay associated with the continuance. The person who files or makes a written motion to continue a proceeding also shall comply fully with all other duties imposed by the Indiana Rules of Trial Procedure, the Indiana Rules of Criminal Procedure, and these local rules upon persons who file motions generally and persons who file motions for continuances.

LR51-CR00-1600 DISCOVERY IN CRIMINAL CASES

1600.10 Within fifteen (15) days following the initial hearing in misdemeanor cases and thirty (30) days following the initial hearing in felony cases, the State shall disclose and furnish all relevant items and information under these local rules to the defendant, or to the defendant's attorney if an attorney has entered an appearance in the case, subject to Constitutional limitations and such other limitation as the Court may specifically provide by separate order. Contemporaneous with the compliance with these local rules, the State shall file a Notice of Compliance with the Court in which an attorney certifies and affirms under penalties of perjury that the attorney has complied with these local rules.

1600.20 Within fifteen (15) days after the State has disclosed and furnished all relevant items and information to the defendant, the defendant shall disclose and furnish all relevant items and information under these local rules to the State. Contemporaneous with the compliance with these local rules, the defendant, or counsel for the defendant, shall file a Notice of Compliance with the Court in which the defendant, or counsel for the defendant, certifies and affirms under penalties of perjury that the defendant, or counsel for the defendant, has complied with these local rules.

1600.30 Under these local rules, no written motion is required, except (a) to compel compliance under this rule, (b) to conduct additional discovery not covered under these local rules, (c) to obtain a protective order seeking exemption from the provisions of these local rules, or (d) to request an extension of time to comply with these local rules. If applicable, such written motions must comply with the relevant provisions of the Indiana Rules of Trial Procedure that govern discovery in civil cases as well as any relevant provisions of the Martin County Circuit Court Civil Rules and the Martin County Circuit Court Administrative Rules.

1600.40 Under these local rules, the State shall disclose the following materials and information within its possession or control:

- a. The names and last known addresses of persons whom the State intends to call as witnesses along with copies of their relevant written and recorded statements;
- b. Any written, oral, or recorded statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgment of such statements;
- c. If applicable, the State shall disclose the existence of grand jury testimony of any person whom the prosecuting attorney may call as a witness at any trial or hearing in the case. In addition, the State shall provide a copy of those portions of any transcript of grand jury minutes, within the State's possession, which contain the testimony of such witness or witnesses. If such transcripts do not exist, the defendant may apply to the Court for an order requiring their preparation;
- d. Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons;
- e. Any books, papers, documents, photographs, or tangible objects that the prosecuting attorney intends to use in the hearing or trial or which were obtained from or belong to the accused;
- f. Any record of prior criminal convictions that may be used for impeachment of the persons whom the State intends to call as witnesses at any hearing or trial;
- g. All evidence required by Rule 404(B) of the Indiana Rules of Evidence; and
- h. Any material or information that tends to negate the guilt of the accused as to the offenses charged or would tend to reduce the punishment for such offenses.

1600.50 Under these local rules, the defendant, or counsel for the defendant, shall disclose the following materials and information within his or her possession or control:

- a. The names and last known addresses of persons whom the defendant intends to call as witnesses along with copies of their relevant written and recorded statements;
- b. Any books, papers, documents, photographs, or tangible objects defendant intends to use as evidence at any trial or hearing;
- c. Any medical, scientific, or expert witness evaluations, statements, reports, or testimony which may be used at any trial or hearing;
- d. Any defense, procedural or substantive, which the defendant intends to make at any hearing or trial;
- e. All evidence required by Rule 404(B) of the Indiana Rules of Evidence; and

f. Any record of prior criminal convictions known to the defendant or defense counsel that may be used for impeachment of the persons whom the defense intends to call at any hearing or trial.

1600.60 Notwithstanding any other provision of these local rules, a party is not required to disclose legal research or records, correspondence, reports, or memoranda to the extent that they contain the opinions, theories, or conclusions of the State or members of its legal or investigative staff, or of defense counsel or counsel's legal or investigative staff.

1600.70 Notwithstanding any other provision of these local rules, a party is not required to disclose an informant's identity shall not be required where there is a paramount interest of non-disclosure and where a failure to disclose will not infringe upon the constitutional rights of the accused. Disclosure shall not be denied hereunder of the identity of witnesses to be produced at trial or hearing.

1600.80 Notwithstanding any other provision of these local rules, a party may apply for a protective order for non-disclosure of discovery required hereunder or any additional requested discovery.

1600.90 The State and the defendant are under a continuing duty to supplement the discovery disclosures required hereunder as required upon the acquisition of additional information or materials otherwise required to be disclosed hereunder. Supplementation of disclosures shall be made within a reasonable time after the obligation to supplement arises.

1600.100 Failure of a party to comply with either the disclosure requirements or the time limits required by these local rules may result in the imposition of sanctions against the noncompliant party. These sanctions may include, but are not limited to, the exclusion of evidence at a trial or hearing.

1600.110 A party may perform these disclosure obligations in any manner mutually agreeable to the parties. Compliance may include a notification to a party that material and information being disclosed may be inspected, obtained, tested, copied, or photographed at a specified reasonable time and place.

LR51-CR00-1700 MARTIN COUNTY CIRCUIT COURT BAIL BOND SCHEDULE

1700.10 The Martin County Court Bail Bond Schedule shall apply to all persons charged with offenses in Martin County, unless otherwise endorsed upon a warrant or ordered by the Martin Circuit Court. This bond schedule supersedes any general schedules relating to bail or bonds.

1700.20 The standard minimum bail bond in criminal cases shall be set as follows:

OFFENSE	BOND AMOUNT	BOND AMOUNT
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	<u>Clerk's Bond/10% Required</u>	<u>Surety Bond</u>
MURDER	No bond	No bond
ATTEMPTED MURDER:	No bond	No bond
OVWI, Class D Felony	\$15,000/\$1,500	\$25,000
OVWI, Class A Misd.	\$10,000/\$1,000	\$25,000
OVWI, Class C Misd.	\$10,000/\$1,000	\$25,000
OVw/.08% BAC, Class C Misd.	\$10,000/\$1,000	\$25,000
OVw/Contr. Subst., Class C Misd.	\$10,000/\$1,000	\$25,000
CLASS "A" FELONY	\$200,000/\$20,000	\$250,000
CLASS "B" FELONY	\$100,000/\$10,000	\$250,000
CLASS "C" FELONY	\$ 75,000/\$5,000	\$100,000
CLASS "D" FELONY	\$ 25,000/\$2,500	\$ 50,000
CLASS "A" MISD.	\$ 10,000/\$1,000	\$ 25,000
CLASS "B" MISD.	\$ 2,500/\$250	\$ 5,000
CLASS "C" MISD.	\$ 2,000/\$200	\$ 5,000

1700.30 A bond must be posted consistent with the Uniform Bond Schedule set forth above before a person may be released unless the Court enters a specific bail order in the person's individual case. When an arrest is made pursuant to a warrant, the amount of the bond endorsed on the warrant shall control instead of the Uniform Bond Schedule set forth above.

1700.35 A Clerk's Bond and/or Personal Appearance Bond (10% Deposit) shall be posted in the name of the Defendant. Any monies posted as bond may be withheld by the Clerk of the Court to pay fines, costs, fees, and expenses owed by the Defendant. If a person lends money to the Defendant to post the bond, or if a person tenders the money to the Clerk of the Court or the Sheriff of Martin County upon behalf of the Defendant, then the person assumes the risk that the Defendant may not repay the person, or that the monies may not be available at the end of the case for release.

1700.40 When a person is arrested for multiple offenses that are related, the person shall be released on bail after the person posts a single bond in an amount that is consistent with the most serious offense. However, if the offenses are largely or wholly unrelated, i.e., the offenses were committed on different dates or the offenses involve different alleged crime victims, then the person must post bond that equals the sum of the bonds for each separate offense.

1700.50 A person arrested for operating a vehicle while intoxicated or arrested for operating a vehicle while under the influence of alcohol or any other intoxicant shall not be released until that person's blood alcohol content is 0.02% or lower, all according to the Department of Toxicology detoxification schedule. No person shall be released on bail if that

person is in an obvious or apparent state of intoxication either from the suspected consumption of alcohol, other intoxicants, or a combination of alcohol and other intoxicants.

1700.60 The Judge of the Martin Circuit Court shall be notified within twelve (12) hours, regardless of weekends or holidays, following a person's warrantless arrest unless that person posts bond during that twelve-hour period. If a person is arrested pursuant to an arrest warrant and does not post a bond as endorsed on the warrant, then the Martin Circuit Court and the Office of the Martin County Prosecuting Attorney shall be notified of the arrest by 9:00 a.m. on the next regular business day, excluding weekends and holidays.

1700.70 A person shall be held without bond until that person appears for proceedings in the Martin Circuit Court, or until the Judge of the Martin Circuit Court is notified and directs otherwise, if any of the following apply:

- a. The person is on probation;
- b. The person is free on bail on another charge;
- c. The person is arrested on more than one outstanding warrant;
- d. The person refuses to cooperate in the identification process;
- e. The person is arrested for Escape or Attempted Escape;
- f. The person is arrested for Battery or Attempted Battery;
- g. The person is arrested for Invasion of Privacy;
- h. The person is arrested for Stalking;
- i. The person is arrested for violation of a Protective Order, Restraining Order, or No Contact Order;
- j. The person is arrested for any offense involving the use or attempted use of a "deadly weapon";
- k. The person is arrested for Resisting Law Enforcement; or
- l. The person is arrested for any offense involving allegations of domestic violence.

1700.80 Persons who have not posted bond typically will appear in the Martin Circuit Court sometime between 9:30 a.m. and noon on the next regular business day, excluding weekends and holidays. However, a person's appearance depends upon the Martin Circuit Court's regular court schedule, the availability of the Prosecuting Attorney, and the availability of MCSD personnel. Interested persons are encouraged to contact the Martin Circuit Court after 8:30 a.m. on the next business day following the accused's arrest to determine approximately when the accused may appear in the Martin Circuit Court.

1700.90 The Court typically will not modify a bond set pursuant to this Order before a person appears in the Martin Circuit Court. Therefore, no one except MCSC or MCSD personnel should contact the Judge before the person appears in court. In fact, interested persons, including the families and friends of incarcerated persons, should be specifically discouraged from contacting the Judge before the person appears in court.

1700.100 MCS D or MCS C personnel should contact the Judge immediately if they need guidance about the application of the bond schedule in a particular case. If assistance is needed, MCS D and MCS C personnel should never hesitate to contact the Judge regardless of the day of the week or the time of the day or night.

1700.110 The Court may increase the amount of bond over and above the Uniform Bond Schedule or set additional conditions of bail for good cause shown, either upon the Court's own motion or upon the written or oral request of the State or MCS D or MCS C personnel.

1700.120 The following terms and conditions of bail shall apply in all cases in which a person is released from incarceration after having posted a bond:

- a. The person shall appear for all pretrial conferences, hearings, and trials.
- b. The person shall keep the Court and the State informed regarding the person's correct mailing and physical addresses at all times and shall notify the Court in writing and within forty-eight (48) hours of any change
- c. The person shall not leave Indiana overnight for any reason without first informing the Court and receiving prior permission from the Court.
- d. The person shall not commit or be arrested for any offense for which probable cause exists or is found.
- e. The person shall have no contact, direct or indirect, with any alleged crime victim or complaining witness.
- f. The person shall not attempt to influence or alter the testimony or statement of any witness or potential witness.
- g. The person shall report to the Court any violation of any term or condition of bail in writing and within forty-eight (48) hours.
- h. The person shall maintain regular and continuing contact with his or her attorney and shall cooperate upon receipt of the attorney's instructions or requests.

1700.130 No person shall be released after posting bond unless the person also executes a document that demonstrates the person's understanding of the terms and conditions of the person's release.

1700.140 The Clerk of the Court shall not release a Clerk's Bond and/or Personal Appearance Bond (10% deposit) until the Clerk of the Court withholds all administrative fees, expenses, fines, court costs, probation fees, community corrections fees, restitution, alcohol fees, drug interdiction fees, court-appointed attorney fees, public defender fees, domestic violence fees and/or any other fee or sum owed by the Defendant. This provision shall be enforced regardless whether the Defendant personally posted the funds.

1700.150 The Court may accept a property bond in an individual case after the person appears in court if the property to be used as collateral:

- a. is held in the sole name of the incarcerated person;

- b. has a fair market value of at least five (5) times the amount of the surety bond equivalent;
- c. is not subject to any liens, mortgages, or other encumbrances; and
- d. is located in Martin County, Indiana.

1700.160 The Clerk of the Martin Circuit Court shall collect and withhold all fees from any bond posted as allowed or required by Indiana law.

1700.170 The Clerk of the Martin Circuit Court and the Sheriff of Martin County shall prominently display a copy of these local rules for the public's reference.

MARTIN COUNTY CIRCUIT COURT JURY RULES

LR51-JR00-1000 DEFINITIONS

1000.10 Unless specifically stated or defined otherwise, “Court”, “Martin Circuit Court”, or “Martin County Circuit Court” shall mean the State of Indiana, County of Martin, Ninetieth Judicial Circuit, which is the Martin County Circuit Court. Any action taken by the regular and presiding Judge of the Martin County Circuit Court, a Special Judge selected or appointed to preside over a case pending in the Martin County Circuit Court, a Senior Judge appointed to preside over a case pending in the Martin County Circuit Court, or a Judge Pro Tempore appointed to preside over a case pending in the Martin County Circuit Court shall be deemed to be the act of the “Court”.

1000.15 Unless specifically stated or defined otherwise, “Clerk” or “Clerk of the Court” shall mean the Clerk of the Martin County Circuit Court.

1000.20 “Jury Administrator” is a person so appointed to administer and manage the jury process in the Martin County Circuit Court.

1000.30 “Jury Pool” is a list of no less than two thousand five hundred (2,500) names drawn annually from voter registration and supplemental records. Unless otherwise directed by the Judge of the Martin Circuit Court, the Jury Pool shall be that assembled by the Indiana Supreme Court, Division of State Court Administration.

1000.40 “Notice of Jury Service” is a written document which accompanies the Juror Qualification Form and provides general information regarding the juror selection process.

1000.50 “Juror Qualification Form” is a written document that solicits information from a prospective juror regarding statutory qualifications and exemptions.

1000.60 “Summons” is a written document that notifies a prospective juror of the dates and details of the prospective juror’s jury service.

LR51- JR02-1200 APPOINTMENT OF JURY ADMINISTRATORS

1200.10 The following are hereby appointed to act as Jury Administrators, to administer the jury assembly process under the supervision of the Judge of the Martin Circuit Court: the Official Court Reporter of the Martin Circuit Court; the Assistant Official Court Reporter of the Martin Circuit Court; the Chief Deputy Clerk of the Martin Circuit Court.

12001.20 Appointments as Jury Administrator shall be updated or modified, from time to time, as deemed necessary by Judge of the Martin Circuit Court.

LR51-JR02-1300 ASSEMBLY OF THE JURY POOL

1300.10 No later than November 25 of each calendar year, the Jury Pool shall be assembled for the next calendar year. Unless otherwise directed by the Judge of the Martin Circuit Court, the Jury Pool shall be that assembled by the Indiana Supreme Court, Division of State Court Administration.

LR51- JR04-1400 SUMMONING JURORS

1400.10 Jurors shall be summoned using a Single Tier Notice and Summons procedure.

1400.20 No later than December 8th of each calendar year, the Jury Administrators shall mail to potential jurors, or cause to be mailed, (a) a Summons that shall specify the specific dates for which the prospective juror shall remain on call for jury service and (b) the Notice of Jury Service and Juror Qualification Form.

1400.30 Not later than one (1) week before a jury panel for jury selection is needed, the Jury Administrator shall mail, or cause to be mailed, a specific Summons of Jury Service which shall specify the specific dates for which the prospective juror shall appear for jury service. If the parties specifically agree, the Court may substitute oral notice to prospective jurors for the second written summons, and direct the Sheriff of Martin County to contact prospective jurors by telephone at least seven (7) days before the trial date and to provide proof to the Court that oral notice was given to the prospective jurors not less than four (4) days before the trial date.

LR51-JR00-1500 ASSISTANCE FROM THE CLERK OF THE COURT

1500.10 If directed by the Judge of the Martin Circuit Court, the Clerk of the Court, or the staff of the Office of the Clerk of the Martin Circuit Court, shall provide technical, administrative, or clerical assistance in summoning prospective jurors. IC 33-4-11-10.

LR51- JR10-1600 JUROR PRIVACY

1600.10 Personal information relating to a juror or prospective juror not disclosed in open court is confidential. Personal information relating to a juror or prospective may not be used by any person other than a party and counsel, and only during the trial for which the juror or prospective has been summoned.

1600.20 Upon request, copies of the Juror Qualification Form, and any Juror Questionnaire Form that the Court may have directed prospective jurors to complete, may be made available to counsel on the date of trial. All copies of the Juror Qualification Form, and all copies of Juror Questionnaire Form that the Court may have directed prospective jurors to complete, shall be returned to the Court when the jury

selection process has been completed. No photocopies or duplicates of the Juror Qualification Form or Jury Questionnaire Forms shall be made, without specific authorization from the Court.